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The Secession Movement in the United States 1847-1852

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PREFACE.

This little monograph, in substantially the form here presented, was submitted as a thesis in part fulfillment for the degree of Doctor of Philosophy at the University of Wisconsin in 1910. It grew out of a seminary study of the Compromise of 1850, conducted by Dr. U. B. Phillips, now of the University of Michigan, who gave me many helpful suggestions and loaned me much valuable material from his private library. I also wish to acknowledge my obligations to Dr. F. J. Turner, now of Harvard University, under whom it was my great good fortune to have studied at Wisconsin; to Dr. H. V. Ames, of the University of Pennsylvania, for his time-saving suggestions in regard to where material was to be found; and to Dr. C. R. Fish, of the University of Wisconsin. Needless to say, the above-mentioned scholars are in no ways responsible for the faults of the work. Others whom I take this opportunity to thank are: Mrs. P. P. Claxton, formerly Miss Mary Hannah Johnson, Librarian of the Carnegie Library, Nashville, Tenn.; and Dr. T. M. Owen, Director of the Department of Archives and History of the State of Alabama, Montgomery, Ala., for aid and courtesies extended me while in their cities. While engaged in collecting the source material upon which this study is based, Mrs. White accompanied me to libraries in different parts of the country, and rendered invaluable aid by copying manuscripts and other matter.

MELVIN JOHNSON WHITE.



CHAPTER I.

THE WILMOT PROVISIO AGITATION, 1847-1848.

The presidential campaign of 1844 marked the beginning of the last stage in the long slavery struggle in the United States. It indicated that the South, driven to a defense of the institution of negro slavery by the rapid growth of Abolition sentiment at the North, had resolved upon securing full control of the National Government.¹ The Democratic party was the chosen instrument by means of which this purpose was to be accomplished. Whipped into line by its aggressive Southern wing, it committed itself to the acquisition of new territory, which the South planned to create into additional slave States, with the object of acquiring control in Congress, without which it could not believe its favorite institution safe. Early progress in this direction gave promise of ultimate success. Texas was annexed to the Union as a slave State in 1845. During May of the following year war was declared against the comparatively weak Republic of Mexico. Up to this time the anti-slavery forces, taken by surprise and off their guard, had nothing more serious than written and verbal opposition, upon the part of isolated individuals, to oppose to the pro-slavery program. David Wilmot, a Pennsylvania Democrat, pointed out the way of attack, and paved the way for a concentration of the energies of the opposition, when, in August, 1846, he introduced into the House of Representatives his famous Proviso for the exclusion, by an act of Congress, of negro slavery from the territory about to be acquired from Mexico. The sections at once locked horns in a struggle that precipitated a national crisis second only to the one of 1860.

An act of President Polk's, during the first session of the twenty-ninth Congress, furnished the occasion for the introduction of the Proviso. War with Mexico had hardly begun when, in a special message to Congress, dated August 4, 1848, he suggested, since "a just and honorable peace, and not conquest" was our object in entering upon the conflict, the appropriation of such a sum of money as might be considered sufficient for con-

1. Ford, *The Campaign of 1844*, in *Proc. Amer. Antiq. Soc.*, Vol. XX, Pt. 1, Page 118.

cluding the honorable peace and, besides, for the purchase of such territory as Mexico might be willing to part with,² a proceeding upon his part that greatly increased the activities of the anti-slavery people, who saw in it a confirmation of their contention that the war was purposely begun for the acquisition of more slave territory. As an amendment to a House bill calling for the appropriation of two millions of dollars for the purposes suggested by the President, Congressman Wilmot's measure first came before Congress and the country.³ It immediately passed the House, where the Northerners were in a decided majority, by a vote of 87 to 64⁴, but in the Senate it was talked to death and never came to a vote during that session.⁵

Either through failure to appreciate the seriousness of his act, or through indifference towards the opposition, the President persevered, and in his annual message, December 8, 1846, at the assembling of the members for the second session of the twenty-ninth Congress, he again called attention to the matter, this time strongly recommending the appropriation.⁶ A prolonged debate followed that brought out the sectional nature of the question in a manner ominous of future trouble. The following extract from a letter 'A. H. Stephens wrote to his brother Linton, January 5, 1847, aptly describes the situation: ("The North is going to stick the Wilmot amendment to every appropriation, and then all the South will vote against any measure thus clogged. Finally, a tremendous struggle will take place, and perhaps Polk in starting one war may find half a dozen on his hands. I tell you the prospect ahead is dark, cloudy, thick, and gloomy. I hope for the best, while I fear the worst.")

The transition from party to sectional ties, an inevitable outcome by reason of the step taken by the Southern Democracy in 1844, was forecasted in the action of such a Northern Democrat as Preston King, of New York, who introduced into the House of Representatives a two-million appropriation bill with a slavery excluding clause attached. Another significant fact, to be in-

2. Richardson, Messages and Papers, Vol. IV, pp. 456-7.

3. Cong. Globe, 29 Cong., 1 Sess., p. 1217.

4. Ibid., p. 1218.

5. Ibid., p. 1221.

6. Richardson, Messages and Papers, Vol. IV, pp. 471-506.

7. Johnston & Browne, A. H. Stevens, p. 218.

ferred from the proceedings, was that the older statesmen had been left high and dry by the progress of events, and were unable to meet the changed conditions; the political leadership of the country was passing into the hands of a younger generation. This was illustrated in the action of Senator Berrien, a Georgia Whig, who appealed to the men from his section to oppose all additions of territory, for the reason that slavery could not be carried to any portion of it, and urged the necessity of keeping the irritating question out of Congress. Calhoun, who was absorbed in a scheme of his own for the settlement of the sectional difficulty,⁸ opposed the Mexican war for similar reasons. Not a few members, from a sincere desire to avert all danger to the Union, busied themselves with schemes of compromise. Benton, and a few others, to quote Benton, "produced the laws and the Constitution of Mexico to show that New Mexico and California were free from slavery, and argued that neither party had anything to fear, or to hope—the free soil party nothing to fear, because the soil was now free, the slave soil party nothing to hope, because they could not take a step to make it slave soil, having just invented the dogma of 'No power in Congress to legislate upon slavery in the territories.'"⁹

The Proviso never became a law. It passed the House in the form of a clause attached to a two-million appropriation bill in February, 1847, but it is extremely doubtful if, under any circumstances, it could have commanded a sufficient majority in the Senate during that session. The matter was not put to the test, however, for while the discussion of the measure was going on in the House, the Senate had passed a bill of its own, for the appropriation of three million dollars, instead of two, and containing no clause regarding slavery. When taken up by the House, on March 3, 1847, Wilmot added fresh fuel to the flame by moving to amend it by adding his Proviso, but his motion failed by a vote of 102 to 97. After considerable wrangling, the bill was passed in the form in which it came from the Senate. The final vote on the Proviso was decidedly sectional. All of the Northern Whigs, including the member from Delaware, supported the measure; all members of that party from the Southern

8. See below, pp. 11-15.

9. Benton, *Thirty Years View*, Vol. II, p. 695. ✓

States voted against it. Its defeat as an amendment to the "Three Million" bill was due to the votes of Northern Democrats,¹⁰ who, from a sincere desire to restore peace and harmony, or through inability to see the real issue involved in the struggle, cast their votes with the South.

One matter that came up during the Congressional struggle deserves more than passing notice. It was the championship of the cause of the domestic expansion of slavery by Calhoun. On February 19, 1847, he introduced a set of resolutions, in the Senate, declaring that the territories were the common property of the States composing the Union, and that Congress, as the joint agent and representative of the States, had no right to make any law, or do any act whatever, that should, directly or by its effects, make any discrimination between the States by which any of them should be deprived of its full and equal right in any territory acquired, or to be acquired, by the United States¹¹—the old familiar doctrine of State Sovereignty expressed in a form suitable for the occasion. No action was taken upon these resolutions; it is possible that Calhoun introduced them only for their effect upon public opinion south of Mason and Dixon's line. At all events, the theory of Congressional power here set forth met with favor in the Southern States, and it was the chief argument put forward by his section during the territorial crisis that followed.

The agitation in Congress spread to the country at large. At the North, the war was denounced as a scheme of Southern statesmen to increase the slave area of the country. New England opposition found expression in the "Bigelow Papers," of Lowell, the poems of Whittier, and in numberless press and pamphlet articles by authors of lesser fame. Theodore Parker, the eminent Boston clergyman, expressed his opposition in a speech at Faneuil Hall, February 7, 1847.¹² A Whig meeting, held at Lebanon, Ohio, August 28, 1847, approved the course of their Senator, Thomas Corwin, who had been active in his opposition to the Mexican war, declared their opposition to an improper inter-

10. For the debate and other proceedings relative to the Proviso struggle see Cong. Globe, 29 Cong., 2 Sess., pp. 360-363, 383-386, 529-548, Appendix pp. 177-180, 342, 518, 406-409.

11. Cong. Globe, 29 Cong., 2 Sess., p. 455.

12. Chadwick, Theodore Parker, p. 237.

ference with slavery where it constitutionally existed, but recorded their opposition to its further extension. Ten Northern States, through legislative resolutions, sanctioned the principles of the Proviso. Three of these went beyond the principles embodied in the measure. New Hampshire urged the passage of measures putting an end to slavery in the District of Columbia, for its exclusion from Oregon, and from such territory as might thereafter belong to the United States; Ohio requested her Congressmen to procure the passage of measures excluding slavery from the Territory of Oregon; and Vermont declared that she would not countenance, aid, or assent to the admission of any State whose Constitution tolerated slavery.¹³ The issues here mentioned came up to render the situation the more complicated at a later period.

The intensity of Northern feeling was even more strongly revealed in the repeal of the so-called Sojourn Laws—measures that were originally passed by the Legislatures of the free States for the benefit of Southerners, allowing them to abide in, or to pass through, those States with their negro servants. By the year 1850, all of the Northern States, with the exception of Rhode Island and New Jersey, had done away with all laws of this nature.¹⁴ Calhoun considered that the spirit prompting such acts was far more dangerous to Southern rights than was the spirit of the Wilmot Proviso.¹⁵

In the South the Proviso debate aroused alarm and resentment. Born and bred in the presence of the institution of negro slavery, Southerners took its existence for granted, and it is not strange that Northern attacks upon the institution were regarded as attacks upon their civilization.¹⁶ Calhoun had furnished them with a theory of governmental power that they could use in opposing the purpose of the North, and they were quick to seize it. The first Southern State to take legislative action was Virginia. Her general Assembly adopted a series of resolutions, March 8,

13. Niles Register, Vol. LXXIII, p. 44.

14. See Clay's speech on the Compromise measure, Cong. Globe, 31 Cong., 1 Sess., App. pp. 115-117. Clay stated that the abolitionists of Philadelphia set the slaves of Langdon Cheves, of South Carolina, free on writ of Habeas Corpus, while that gentleman was in the city during the Mexican war. The case was carried to the State Supreme Court, where it was argued for days.

15. See his letter to an Alabama legislator in Benton, Thirty Years' View, Vol. II, p. 698.

16. Ingle, Southern Sidelights, p. 303.

1847, holding that the Federal government had no control over the institution of slavery, and that in taking any such control it exceeded its legitimate functions by destroying the internal organization of the sovereignties which created it. The second and third of the series expressed, in substance, the theory of Congressional power as set forth by Calhoun in his Senate resolutions of the month before. Should the issue be forced upon the country by the adoption of the Proviso, one of the later resolutions declared: "the people of Virginia can have no difficulty in choosing between the alternatives of abject submission to aggression and outrage on the one hand, or determined resistance on the other, at all hazards and to the last extremity."¹⁷ These resolutions, which strongly suggest Calhoun influence, were received with general approval in the South, and they served as a model for those adopted by other State Legislatures in that section. Provision was made for the Governor to transmit copies of the proceedings to the executives of the other States in the Union. Upon receiving his copy, Governor Brown, of Mississippi, wrote in acknowledgement that he would lay the measure before the Legislature of Mississippi, wrote in acknowledgement that he would lay the measure before the Legislature of Mississippi when it met, which would not be until January, 1848, but it afforded him great pleasure to say in advance that the action of Virginia would meet with the hearty approval of both political parties in his State.¹⁸ The Legislature of Alabama indorsed the action of the Virginia Legislature;¹⁹ the Democratic State conventions in Alabama and Georgia concurred;²⁰ and, besides, the resolutions were approved at many public meetings held in different parts of the South.²¹

While opposition to the Wilmot Proviso was general in the South, the feeling of outrage was strongest in South Carolina. Public meetings were held in different parts of the commonwealth to denounce the measure. On March 9, 1847, the citizens of Charleston held a meeting and adopted resolutions condemning its principle; declaring the

17. Acts of Virginia, 1846-1847, pp. 236-237.

18. Niles Register, Vol. LXXII, p. 178.

19. Acts of Alabama, 1847-1848, pp. 450-451.

20. Niles Register, Vol. LXXII, pp. 179, 293.

21. Rhodes, United States, Vol. 1, pp. 105-106.

question paramount to all party considerations; adopting the Virginia resolutions; and expressing pride and pleasure in the able and dignified conduct of Mr. Calhoun in defense of the rights of the South and the guarantees of the Constitution. Calhoun was present and addressed the gathering.²² On October 4, 1847, a similar meeting was held in the court house of Barnwell district. Resolutions to the number of eleven were adopted, which, besides covering matters taken up at the Charleston meeting, approved a plan to establish at Washington a newspaper for the defense "of those guarantees which the Constitution secures to the slave holding States;"²³ declared the adoption of anti-slavery resolutions by the Northern States to be violations of the Constitution; and recommended that the Legislature instruct their delegates in Congress to return to their constituents should the Wilmot Proviso pass that body.²⁴

In the same month General Waddy Thompson, a man of strong Union views, addressed the citizens of Greenville County, the pronounced Union center of South Carolina. He made a speech strongly condemning the Proviso, and in it declared that he yielded to no man in a sincere and rational attachment to the Union. As for the government, it "should not be changed for slight and transient causes; but when the great end of the institution is defeated, and all hope of remedy is gone, and the government is only felt in its insults and its wrongs, it is not only a right, but the most sacred of human duties to abolish it." Should the principle contained in the Proviso be asserted by an act of Congress, he was ready to abolish the Union.²⁵ In the face of the strong popular condemnation of the measure, even the moderate men of the South were taking action in close accord with Calhoun's views on the slavery issue.

Attention has previously been called to the Calhoun theory that Congress had no power to pass acts depriving any State of the Union of its equal rights in the Territories. In his speech delivered before the citizens of Charleston, March 9, 1847, he set forth the political and economic situation of the South and outlined a general program for Southern action. In this speech he

22. Niles Register, Vol. LXXII, p. 39.

23. This paper, The Southern Press, was later established. See p. 61.

24. Niles Register, Vol. LXXIII, p. 127.

25. Greenville Mountaineer, Oct. 15, 1847.

said that he fully concurred in the address of the committee and in the resolutions accompanying it. Then followed a comparison of the political strength of the two sections in Congress; the conclusion drawn from which was that the non-slaveholding States had mere power of numbers. The admission of the free States of Iowa and Wisconsin would give the North a majority of four in the Senate, which had previously been the Southern shield against attacks upon the institution of slavery. The loss of control over the Senate would put the South in a minority in all departments of the government. It was fortunate that the mere power of numbers was not the sole element of power under our system of government. The South had the Constitution upon its side. As to what that would avail them, he stated that already there were many enlightened and patriotic men in the Northern States and "the effect of the discussion will not improbably greatly increase their number, and, induce a still greater number to hesitate, and abate somewhat in their confidence in former opinions, and prepare the way to give full effect to another advantage which we possess."

Since the Northern crusade against slavery did not spring from hostility of interests, the advantage spoken of was to "annihilate the products of their labor—strike from the list the three great articles, which are almost exclusively the products of their labor—cotton, rice, and tobacco, and what would become of the great shipping, navigating, commercial, and manufacturing interests of the non-slaveholding States? What of their Lowells and Walthams; their New York and Boston, and other manufacturing and commercial cities? What, to enlarge the question, would become of the exports and imports of the Union itself; its shipping and tonnage, its immense revenue, in the disbursements of which millions in those States, directly or indirectly, live and prosper?"

Then in lucid language followed his conception of the anti-slavery movement at the North. To account for it he considered it necessary to explain the views of the people in that section. There were four classes of people there: first, Abolitionists proper, about five per cent of the total population; second, about seven-tenths of the whole body of citizens, who, while regarding slavery as a sin, preferred to put down the institution in a con-

stitutional manner; third, a very small class that viewed slavery very much after the Southern fashion; and fourth, the political leaders who had no convictions either way but who were ready to take either side that promised to further their political interests. In the nicely balanced situation of the parties, the Abolitionists held the balance of power, and the leaders of both great parties had sought their support. Since both great parties at the North had united against Southern interests, it was time for both great parties at the South to unite in opposition. Their object was the preservation of the Union, if it could be done consistently with their rights and equality with the other States.²⁶

In the Charleston speech, just considered, we have seen that Calhoun advocated an attitude of resistance on the part of the South without setting forth any definite constructive plans. From his after course we conclude that he did not consider that the time had come to take the public into his confidence. In a letter to one of his followers, an Alabama legislator, written at the time of the Wilmot Proviso controversy,²⁷ he bared his thoughts, and we now know what those plans were. This legislator had evidently expressed himself to the effect that the South should court, rather than shun, the issue offered by the measure. Calhoun, in reply, wrote that he was in favor of going still farther and forcing the issue upon the North, since the South was then relatively stronger than it would ever be afterwards. Unless they did so, delay would prove dangerous. Had the South, or even his own State, backed him in 1835, he would have forced the issue when the Abolition spirit first showed itself.

In making the issue it was necessary to look far beyond the Proviso, which he regarded as only one of many acts of aggression, and, in his opinion, by no means the most dangerous. From his point of view, the recent act of Pennsylvania,—and similar laws of that description,—were far more dangerous.²⁸ Any compromise or adjustment would simply lull to sleep instead of removing the danger. As to how the issue could be met without a dissolution of the Union, he wrote: “I say without its dissolution,

26. Calhoun's Works, Vol. IV, pp. 394 395; Niles Register, Vol. LXXII, pp. 72-73..

27. Given in Benton, Thirty Years' View, Vol. II, p. 698; partially given in Du Bose, Life of Yancey, p. 200. The date of this letter is not given, neither is the name of the legislator.

28. The repeal of the Sojourn laws.

for, in my opinion, a high and sacred regard for the Constitution, as well as the dictates of wisdom, make it our duty in this case, as well as in all others, not to resort to, or even to look to that extreme remedy, until all others have failed, and then only in defense of our liberty and safety.”

To his mind there was but one remedy, and that lay in retaliation, “by refusing to fulfill the stipulations in their favor, or such as we may select as the most efficient. Among these, the right of their ships and commerce to enter and depart from our ports.” This he would apply only to sea-going vessels, “which would leave open the trade of the valley of the Mississippi to New Orleans by river, and to the other Southern cities by railroad; and tend thereby to detach the Northwestern from the Northeastern States.” He saw but one practical difficulty in the way and that was, “to give it force, it will require the coöperation of all of the slave-holding States lying on the Atlantic Gulf. Without that, it would be ineffective. To get that is the great point, and for that purpose a convention of the Southern States is indispensable. Let that be called, and let it adopt measures to bring about the coöperation, and I would underwrite for the rest. The non-slaveholding States would be compelled to observe the stipulations of the Constitution in our favor, or abandon their trade with us, or to take measures to coerce us, which would throw on them the responsibility of dissolving the Union. Which they would choose, I do not think doubtful. Their unbounded avarice would, in the end, control them. Let a convention be called—let it recommend to the slave-holding States to take the course advised, giving, say one year’s notice before the acts of the several States should go into effect, and the issue would fairly be made up, and our safety and triumph certain.”

This, then, briefly stated, was Calhoun’s scheme: to force the issue with the North in order to bring about a settlement of the slavery question. In his Alabama letter, above quoted, he did not mention the exact nature of the settlement but, from his famous speech on the Compromise measures of 1850, March 4, 1850,²⁹ we conclude that he had in mind an amendment to the Constitution. The plan was the result of long and deep reflection upon his part, and for several years he had awaited a favorable oppor-

29. Cong. Globe, 31 Cong., 1 Sess., App. pp. 115-127.

tunity for its proposal. We shall see that he succeeded in bringing about a convention of the Southern States, but a detailed account of its origin, purpose and proceedings is left for a later chapter.³⁰

The Wilmot Proviso in its relation to the presidential campaign of 1848 is next to be considered, and the Democratic situation shall first claim our attention. There were three who more or less openly aspired to the honor of becoming the standard bearer, and one possibility: James Buchanan, of Pennsylvania, who had entertained hopes of some day gaining the office from the time of his entry into the House of Representatives in 1821;³¹ George M. Dallas, of Pennsylvania, then Vice-President; and Lewis Cass, of Michigan. Levi Woodbury, of New Hampshire, a justice of the United States Supreme Court, was regarded as a possibility. By reason of the strained sectional situation it was clear that no man who openly opposed the extension of slavery could hope for the support of the Southern wing of the party. From a full realization of all this the three aspirants early issued their studied bids for the coveted nomination. Buchanan, in a widely-published letter of August 25, 1847, to the Democrats of Berks County, Pennsylvania, recommended the extension of the Missouri Compromise line to the Pacific as his method of settling the territorial question.³² Dallas, in a speech delivered at Pittsburg, September 18, 1847, expressed his disapproval of the Proviso measure, and signified opposition to any scheme of compromise.³³ Cass, in a letter to A. O. P. Nicholson, of Nashville, Tennessee, December 24, 1847, in reply to one received from that gentleman³⁴ asking him if he was in favor of the acquisition of Mexican territory, and what were his sentiments with regard to the Proviso, put forth the doctrine of "Squatter Sovereignty" as his method of settling the matters in controversy³⁵—a doctrine that appears to have originated with Dickinson, of New York, and not with Cass, as was formerly supposed.³⁶

30. See Chapter IV.

31. Poore, *Perley's Reminiscences*, Vol. I, p. 372.

32. *Niles Register*, Vol. LXXIII, p. 4.

33. *Ibid*, p. 79.

34. *Nashville Whig*, Jan. 11, 1848.

35. *Niles Register*, Vol. LXXIII, p. 293; *Smith, Life and Times of Cass*, pp. 607-616.

36. *Garrison, Westward Expansion*, p. 300.

The Whigs had three possible nominees for the presidency: Henry Clay, General Scott, and General Taylor; but the brilliant military record of the latter created such a strong popular feeling in his favor that the party leaders discarded the logical candidate, Clay, and passed over Scott, in order to make him their candidate. Could they (the Northern Whigs) afford not to run Taylor? wrote Washington Hunt to Thurlow Weed; Southern Whigs, with scarcely an exception, were for him, and he was sure to be a presidential candidate, with or without a nomination.³⁷ Public meetings in Trenton, New Jersey, and in New York, had boomed the candidacy of Taylor almost from the outbreak of war, and after the battle of Buena Vista a pronounced movement in his favor spread over the entire country.³⁸ Thurlow Weed, in his interesting autobiography, tells us that he first broke ground for Taylor by an article in his newspaper, *The Albany Evening Journal*, for June 18, 1846. The circumstances under which Weed claims he made the selection were somewhat extraordinary. While in conversation with General Taylor's brother, on a New York steamboat, the latter remarked that the General had never been interested in politics, but that he admired Clay, hated Jackson, and could not be induced to wear a coat of foreign manufacture. This convinced Weed that the General was a sound enough Whig to run for the Presidency.³⁹

For the next act in the political drama we must look to the State of Alabama, where a leader for the South, since Calhoun was absorbed in his own plans, offered himself in the person of William Lowndes Yancey. Yancey was born in Warren County, Georgia, August 10, 1814.⁴⁰ Like Calhoun, Yancey had received a part of his education at the North, having attended Williams College for a time. Both became leaders in the movement in opposition to that section. After his return to the South, Yancey lived for a time in Greenville County, South Carolina, where he edited a Union newspaper. B. F. Perry, who was his law associate, thus writes of him at this time: "He was then a very strong Union man, and dealt out to the nullifiers and secessionists some terrible blows, for their disunion proclivities. Little

37. Barnes, *Memoir of Weed*, p. 165.

38. *Niles Register*, Vol. LXXII, pp. 97, 112, 128, 294, 334.

39. *Autobiography of Weed*, pp. 570-583.

40. Du Bose, *Life of Yancey*, pp. 32-33.

did I then think he was destined to blow up the Union himself in the course of a few years.”⁴¹

Just how long it was after his removal to the State of Alabama that his views in regard to the Union underwent a radical change is not known, but he first became identified with the opposition to the Wilmot Proviso principle at a Democratic State convention held in the city of Montgomery, May 3, 1847. As a member of a committee of six he helped draft a set of resolutions that declared territory acquired by the United States the common property of all the States, and that the general government had no power to make laws discriminating between the North and the South—the substance of the Calhoun Senate, resolutions of February 19, 1847. This was the convention that endorsed the Virginia resolves of March 8, of that year.

At another Democratic State convention, held in the same city on February 14, of the following year, Yancey’s attempted leadership became more apparent. While the convention was fruitlessly debating over amendments to certain resolutions that had been presented, he arose, drew from his pocket a preamble and set of resolutions that he had previously prepared, and after a speech of forty-five minutes’ duration got them adopted without a dissenting vote.⁴² This preamble and resolutions formed the basis of the celebrated “Alabama Platform” of 1848,⁴³ which pledged the members of the State Democratic delegation to the Democratic National Convention at Baltimore, not to vote for any nominees for President or Vice-President unless they “openly and avowedly” declared themselves opposed to prohibiting slavery in the Territories by continuing the municipal

41. Perry’s *Reminiscences*, p. 316.

42. Yancey’s *Address to the People of Alabama*, pp. 9-10, 14-18.

43. The thirteenth and fourteenth resolutions were as follows:

“13. Resolved, That this Convention pledges itself to the country, and its members pledge themselves to each other, under no political necessity whatever, to support for the offices of President and Vice-President of the United States, any person who shall not openly and avowedly be opposed to either of the forms of excluding slavery from the Territories of the United States mentioned in the resolutions, as being alike in violation of the Constitution and of the just and equal rights of the citizens of the slave-holding States.

“14. Resolved, That these resolutions be regarded as instructions to our delegates to the Baltimore Convention to guide them in their votes in that body; and that they vote for no man for President and Vice-President who will not unequivocally avow themselves to be opposed to either of the forms of restricting slavery, which are described in these resolutions.” Yancey’s *Address to the People of Alabama*, pp. 16-17; Du Bose, *Life of Yancey*, p. 214.

laws of Mexico, or by act of Congress—methods of exclusion advocated by prominent members of the Democratic party at the North. This platform was approved by legislative resolutions of the State, which made the instructions all the more binding upon the Baltimore delegates.⁴⁴ It was endorsed by Democratic State Conventions in Virginia and in Florida.⁴⁵ Yancey had taken advanced ground in that he sought to make the national Democratic party the defender of Southern rights, and for the time being he was looked upon as the leader of the South.

Of the political parties, the native Americans were the first to hold a nominating convention, meeting in Philadelphia, September, 1847. No candidate was chosen for the presidency, but the delegates recommended General Taylor for the office. General A. S. Dearborn, of Massachusetts, was nominated for Vice-President.⁴⁶ Two months later the Abolitionists proper, who went by the name of the Liberty party, met and chose John P. Hale, of New Hampshire, and Leicester King, of Ohio, candidates for the presidency and vice-presidency respectively.⁴⁷

On May 22, 1848, the Democratic National Convention met at Baltimore. On their way to that city the Alabama delegation stopped off at Washington, and while there they held a meeting in Yancey's hotel apartments in order to examine letters received from the several candidates, to whom he, carrying out the instructions laid down in his "Alabama Platform," had written for statements regarding their stand on the question of slavery extension.⁴⁸ General Cass replied by sending a copy of his Nicholson letter. Mr. Dallas stated that "having, on several occasions, scrupulously abstained from any defense or elaboration of certain political views long entertained and heretofore publicly expressed, he did not feel at liberty, just then, to pursue a different course." Buchanan referred to his letter to the Democrats of Berks County, Pennsylvania. Judge Woodbury wrote, in effect, that his position on the Supreme Bench did not permit the expression of an opinion upon his part.⁴⁹

44. Acts of Alabama, 1847-1848, pp. 450-451.

45. Du Bose, *Life of Yancey*, p. 214.

46. *Niles Register*, Vol. LXXIII, p. 79.

47. *Ibid.*, p. 172.

48. Du Bose, *Life of Yancey*, p. 216.

49. Yancey's Address to the People of Alabama, pp. 28-29.

One of the first matters that came before the convention grew out of a factional contest among the New York Democrats. As a result of this contest, two full delegations, one made up of Van Buren supporters; the other supporting Dickinson, and known respectively as "Barnburners" and "Hunkers," were sent to the Baltimore Convention from that State. The convention, after deliberating upon the situation, decided to admit both delegations and to give to each one-half of the votes to which that commonwealth was entitled. The "Hunkers" agreed to this arrangement, but the Van Buren men refused, and withdrew.⁵⁰ Before proceeding, the delegates adopted the two-thirds rule, which tended to put the nomination into the hands of the minority.⁵¹

Yancey was chosen to represent the State of Alabama on the committee on resolutions, and he took an active part in its work. Convinced that the committee was intent upon avoiding all expression of opinion on the slavery question, he offered the following resolution as an amendment to a resolution already before the members: "Resolved further, That the doctrine of non-intervention with the rights of property of any portion of this Confederacy, be it in the States or in the Territories, by any other than the parties interested in the said rights, is the true Republican doctrine recognized by this body"—a resolution strictly in line with the principles of the "Alabama Platform." It was defeated in the committee by a vote of 20 to 9.⁵² A final effort to carry the resolution in the convention, where it was later presented in a minority report signed by Yancey, Commander, of South Carolina, and McGehee, of Florida, failed by an overwhelming vote of 216 to 36. When this latter vote was declared, Yancey arose and, after announcing to the convention that in accordance with the instructions of his State he would no longer participate in their proceedings, withdrew from the hall, accompanied by Wray, another delegate from Alabama. The other members of the Alabama delegation not only chose to ignore instructions and retain their seats, but Winston, one of

50. Niles Register, Vol. LXXIV, p. 325; Greeley & Cleveland, Political Text-Book for 1860, pp. 16-17.

51. Du Bose, Life of Yancey, p. 217.

52. Yancey's Address to the People of Alabama, pp. 48-51; Du Bose, Life of Yancey, pp. 219-220.

their number, felt called upon to denounce the action of the withdrawing members. "I declare here," he said, "as a representative of Alabama, I do not belong to the ultra set of factionists at the South who do as much harm as the ultra set of factionists at the North," and he told the convention that the Alabama men were present not as rulers but as delegates. Preston King assured the assemblage that Winston was the father of the Alabama Democracy.⁵³

Yancey had been beaten in his efforts to force his leadership upon the national Democratic party; his action was repudiated not only by his fellow delegates at Baltimore but by the people of Alabama as well. Winston and others wrote letters, denouncing his conduct at Baltimore, to the press of the State. Later on Winston publicly denounced him in a speech delivered at Montgomery.⁵⁴ But the tide of public opinion in Alabama had turned against him ere this. Sober second thought disapproved of the "Alabama Platform," after passions had cooled and it was realized that a young man's power of oratory was responsible for the advanced step. Indeed, it seems that his eloquence was very largely the cause of the whole Alabama movement. The newspapers assailed his course.⁵⁵ In defense he issued an "Address to the People of Alabama,"⁵⁶ explaining his conduct. During the campaign of 1848, and for some years afterwards, he did not take any part in national politics—neither of the great parties wanted him, his biographer tells us, but in the interval he devoted his time to study, and waited for future events to justify his course of action.⁵⁷ He had tried to lead his section but he was in advance of the times in 1848. With the effort he disappears as an active force in the South during our period, but we shall later have occasion to refer to him in connection with the Southern Rights movement in Alabama, and with local affairs in that State.

The Baltimore convention nominated Lewis Cass for President on the fourth ballot, and William Butler, of North Carolina, for Vice-President on the second.⁵⁸ To oppose them, the

53. Du Bose, *Life of Yancey*, pp. 218-220.

54. *Ibid.*, p. 222.

55. *Ibid.*, p. 215.

56. Yancey's *Address to the People of Alabama*, pp. 1-78.

57. Du Bose, Yancey, in *Gulf States Hist. Mag.*, Vol. I, p. 244.

58. Stanwood, *History of the Presidency*, p. 234.

Whigs, who held their convention at Philadelphia, June 7, 1848, selected General Taylor for President, and Millard Fillmore, of New York, for Vice-President.⁵⁹ Both parties dodged the slavery question in drawing up their platforms.

There was much opposition to the nomination of General Taylor, owing to his not being acceptable to those members of the convention who held extreme anti-slavery views. Accordingly, on the evening of the day of his nomination, Henry Wilson and other extremists, who had opposed his candidacy, met in the convention hall, and took the first steps in organizing a new political party, the Free Soil party. It was decided to call a convention to meet in August in the city of Buffalo. A convention of the people of the State of Ohio, who were opposed to the further extension of negro slavery, having previously been called to meet at Columbus, June 20, 1848, Wilson informs us that it was decided to send a delegate to persuade this gathering to call the convention at Buffalo.⁶⁰ Be this as it may, the Ohio convention, under the leadership of Salmon P. Chase, issued the call, which was signed by three thousand citizens of all political parties.⁶¹

The New York supporters of Van Buren, piqued at the treatment their chief had received at the hands of the regular Democratic party, resolved upon an independent organization in revenge.⁶² For the furtherance of their plan, the "Barnburners" held a convention at Utica, June 22, 1848, nominated Van Buren for President, and Henry Dodge, of Wisconsin, for Vice-President, and adopted an anti-slavery platform.⁶³

The Ohio call offered an opportunity for the various anti-slavery elements to combine and put forth common candidates, with added chances of success at the ensuing election. The idea was received with favor, and on August 9, 1848, four hundred and sixty-five delegates, representing eighteen States, including Delaware, Virginia, and Maryland, assembled at Buffalo.⁶⁴ Proceedings began with a monster mass meeting, that was attended by thousands. Salmon P. Chase, of Ohio, was presiding officer

59. Greeley & Cleveland, *Political Text-Book for 1860*, p. 15.

60. Wilson, *Rise and Fall of the Slave Power*, Vol. II, pp. 142-144.

61. *Addresses and Proceedings*, pp. 1-14; Warden, *Life of Chase*, p. 316.

62. Schurz, *Henry Clay*, Vol. II, p. 311.

63. Greeley & Cleveland, *Political Text-Book for 1860*, pp. 17-18

64. *Niles Register*, Vol. LXXIV, p. 110; Warden, *Life of Chase*, p. 318.

of the convention, and it is said that the platform adopted was substantially drawn by him.⁶⁵ Martin Van Buren was nominated for President, the nomination being open in consequence of the withdrawal of the different candidates previously nominated by the anti-slavery parties, and Henry Dodge, the Utica nominee for Vice-President, declining to serve, Charles Francis Adams, of Massachusetts, was chosen for Vice-President by acclamation. The new political party thus formed took the name of the Free Soil party. Its platform declared for "Free soil, free speech, free labor, and free men," which became the party motto.⁶⁶

The November election was almost uneventful. Considerable excitement was caused during the earlier stages of the campaign by Taylor, upon whom party ties rested lightly, accepting the nomination of a Democratic meeting in South Carolina, but Weed was able to allay the storm by means of a speech delivered at a public meeting at Albany, New York, and the "Rough and Ready" letter from Taylor, in September, patched up a situation that might otherwise have rendered his election improbable.⁶⁷ His being a native of Louisiana, and a slave owner, commended him to the South, and his brilliant military record made him popular at the North. Still, in spite of his popularity, he could not have carried the election had it not been for the defection in the Democratic party in New York, which lost the electoral vote of that State for Cass.⁶⁸ The total electoral vote for the country was: 163 for Taylor, 127 for Cass.⁶⁹

65. Warden, *Life of Chase*, pp. 317-318.

66. Niles Register, Vol. LXXIV, p. 110; Stanwood, *History of the Presidency*, pp. 239-241; Warden, *Life of Chase*, p. 318.

67. Barnes, *Memoir of Weed*, pp. 169-170.

68. Benton, *Thirty Years' View*, Vol. II, p. 723.

69. Stanwood, *History of the Presidency*, p. 242.

CHAPTER II.

THE OREGON, CALIFORNIA, AND NEW MEXICO ISSUES, 1848-1849.

As a result of the Northern failure to pass the Wilmot Proviso in the form of an amendment to the Senate "Three Million" bill, the South scored the first victory in the last stage of the slavery struggle; but neither the Northern opposition to the further spread of the institution, nor the Southern attempts to bring about a final and satisfactory settlement of the chronic question, ended with this disposal of Congressman Wilmot's measure. The issue was again raised when Congress took up the matter of providing the necessary governments for the newly-acquired territories of Oregon, California, and New Mexico.

Oregon, the earliest of the new possessions to be acquired, first claimed the attention of Congress. The troublesome situation that developed out of the attempt to provide a territorial government, for the benefit of our citizens residing there, resulted from the action of the pro-slavery men. Southerners had no reasonable grounds to hope that the institution of negro slavery could ever exist in the territory; they simply seized upon the occasion offered them to force a settlement with the North. By means of obstructive tactics they meant to prevent the organization of Oregon until some bargain could be driven, or some concession wrung, that would throw open to them the more desirable regions of California and New Mexico to the southward.¹

President Polk showed a strong desire to have the territorial organization provided for during his administration. In a special message to Congress, August 5, 1846,² transmitting a copy of the convention ratified by the United States and England for the settlement of the Oregon question, and in his annual message of December 8 of that year,³ he called attention to the necessity of providing a territorial government. No action upon the part

1. Schurz, Henry Clay, Vol. II, p. 302.

2. Richardson, Messages and Papers, Vol. IV, pp. 457-458.

3. Ibid, p. 504.

of Congress resulted, and in his annual message of December 7, 1847,⁴ he again called attention to the matter, and expressed regrets that the necessary steps had not been taken. On May 29, 1848, the President laid before Congress a memorial and papers, transmitted by the Governor and Legislative Assembly of Oregon,—a temporary form of government that the people had of necessity been compelled to form for themselves in the absence of action by Congress,—asking the aid and protection of the United States. The Indians of the region, it was pointed out, had recently “raised the war whoop and crimsoned their tomahawks in the blood of their citizens.” Polk recommended that laws be promptly passed establishing a territorial government.⁵

Congress had not been wholly inactive in regard to the matter, however. After several futile attempts in the same direction, the House, January 16, 1847, passed a bill providing for a territorial organization for Oregon, and excluding slavery by repeating the restrictions of the Northwest Ordinance of 1787.⁶ While it was under discussion, Burt, of South Carolina, offered an amendment giving as a reason for the exclusion of slavery the fact that the region lay north of the Missouri Compromise line of 36° 30', but the North was not to be trapped into giving up all of the public domain south of that line to the slaveholder, and Burk's amendment failed by a vote of 113 to 82.⁷

The House bill was tabled in the Senate.⁸ The Congressional situation in reference to it was much the same as that occasioned by the consideration of the Proviso measure. The House, with its strong majority of Northern men, could easily pass measures for slavery exclusion. The real struggle took place in the Senate, where the sections were more evenly represented. Debate was long and heated, and it indicated the Southern purpose to prevent the organization of Oregon until the question of slavery extension into the territory acquired from Mexico had first been settled. It was in connection with this debate that Calhoun, according to Benton, first made trial of his new doctrine of “no power in Congress to abolish slavery in the territories.”⁹ Ben-

4. Richardson, Messages and Papers, Vol. IV, p. 558.

5. Ibid, pp. 584-586.

6. Cong. Globe, 29 Cong., 2 Sess., p. 198.

7. Ibid, pp. 170, 187.

8. Ibid, p. 571.

9. Benton, Thirty Years' View, Vol. II, p. 711.

ton evidently refers to Calhoun's speech on the Oregon bill, delivered in the Senate, June 27, 1848.¹⁰ A few extracts from this speech will make Calhoun's contention clear. In speaking of the power of Congress over the territories, he said: "But, while I deny . . . that Congress possesses absolute power over the territories, I by no means deny that it has any power over them. Such a denial would be idle on any occasion, but much more so on this, when we are engaged in constituting a territorial government, without an objection being whispered from any quarter against our right to do so." This power was derived from the right to acquire territories, and it was possessed by "this Government, as the sole agent and representatives of the United States—that is, the States of the Union in their Federal character." His definition of governments was as follows: "Governments, both Federal and State, are but agents, or, more properly, trustees, and, as such, posses, not absolute, but subordinate and limited powers; for all powers possessed by such governments must, from their nature, be trust powers, and subject to all the restrictions to which that class of powers are."

The class of restrictions most directly related to the subject under discussion were "those imposed on the trustees by the nature and character of the party, who constituted the trustees and invested them with the trust powers to be exercised for its benefit. In this case it is the United States, that is, the several States of the Union. It was they who constituted the Government as their representative, or trustee, and intrusted it with powers to be exercised for their common and joint benefit. To them in their united character the territories belong, as is expressly declared by the Constitution. They are joint and common owners, regarded as property or land; and in them, severally, reside the dominion and sovereignty over them. They are as much the territories of one State as another—of Virginia as of New York; of the Southern as the Northern States. . . . Add to this the perfect equality of dignity, as well as of rights, which appertain to them as members of a common Federal Union . . . and it must be manifest that Congress, in governing the territories, can give no preference or advantage to one

10. Calhoun's Works, Vol. IV, pp. 479-512.

State over another, without depriving the State or section over which the preference is given, or from which the advantage is withheld, of their clear and unquestionable right, and subverting the very foundation on which the Union and Government rest.”

As to how the question could be settled, Calhoun said: “It can, in my opinion, be finally and permanently adjusted but one way,—and that is on the high principles of justice and the Constitution . . . nor should the North fear that, by leaving it where justice and the Constitution leave it, she should be excluded from her full share of the territories. In my opinion, if it be left there, climate, soil, and other circumstances would fix the line between the slaveholding and non-slaveholding States in about 36° 30′. It may zig-zag a little, to accommodate itself to circumstances . . . but that would matter little, and would be more satisfactory to all, and tend less to alienation between the two great sections, than a rigid, straight, artificial line, prescribed by an act of Congress.” This theory of Congressional power, based on the theory of State Sovereignty, speaks for itself. Calhoun would keep the irritating question out of Congress.

Matters with regard to Oregon had reached a deadlock when the proposed meeting of the anti-slavery people at Buffalo, August 9, 1848, frightened members of Congress and hastened action upon their part.¹¹ The Senate acted with energy. A special committee of eight members, with Clayton, of Delaware, as chairman, was appointed to arrange a compromise.¹² On July 27, 1848, a bill reported by this committee passed the Senate.¹³ It provided for the recognition of the provisional laws of Oregon until an act of the Territorial Legislature should either allow or prohibit slavery, and it also provided for the territorial organization of California and New Mexico, withholding from these Territorial Legislatures the right to take any action with regard to slavery, but leaving the matter to be settled by a decision of the Supreme Court. In the House, this bill was laid on the table on motion of A. H. Stephens, of Georgia.¹⁴ Stephens

11. Warden, *Life of Chase*, p. 319; Schurz, *Henry Clay*, Vol. II, pp. 312-313.

12. *Cong. Globe*, 30 Cong., 1 Sess., p. 932.

13. *Ibid.*, p. 1002.

14. *Ibid.*, p. 1007.

but acted in the interests of his section, for, as he later explained, the bill was a complete sacrifice of Southern claims, since the Supreme Court would infallibly have to pronounce against the claim that slavery was allowable solely by virtue of the Constitution.¹⁵

The House then, August 2, passed a new bill providing for the territorial organization of Oregon, excluding slavery by including the restrictions of the Northwest Ordinance, as in the one of January, 1847.¹⁶ The South made one last effort to secure more slave territory, when it was taken up in the Senate, by adding an amendment providing for the extension of the Missouri Compromise line to the Pacific.¹⁷ This the House refused to concur in by a vote of 121 to 82.¹⁸ After an all-night sitting, the Senate finally gave way, and on Sunday morning, August 13, passed the House bill.¹⁹ President Polk promptly signed the measure, but sent a special message, August 14, to explain that he approved it only because the region lay north of the proposed westward extension of the Missouri Compromise line.²⁰

Congress had provided for a territorial government for Oregon without in any way committing itself in a manner useful to the South in its desire to carry the institution of negro slavery into the region ceded to the United States by Mexico. No bargain had been driven with the North, and no concession had been wrung. California and New Mexico were in the same relative position in respect to organization that they were in previous to the consideration of Oregon. As soon as they had been occupied by the military forces during the war, temporary governments had been set up, under direction of the President, who claimed authority to take such action by virtue of the power that international law confers upon a conqueror. At the same time, Polk recognized the inadequacy of military control, and urged a more permanent form of organization.²¹ On July 6,

15. Cleveland, A. H. Stephens in Public and Private, pp. 334-352.

16. Cong. Globe, 30 Cong., 1 Sess., p. 1027.

17. Ibid, p. 1061.

18. Ibid, pp. 1062-1063.

19. Ibid, p. 1078.

20. Richardson, Messages and Papers, Vol. IV, pp. 606-610.

21. Ibid, p. 638.

1848, he transmitted a copy of the ratified treaty of Gaudalupe-Hidalgo, and urged the necessity of forming territorial governments for the new possessions.²² In his last annual message, December 5, 1848, he urged the matter, and recommended that the Missouri Compromise line be extended to the Pacific, which was his method of settling the slavery issue. As an alternative, however, he suggested that the question relative to slavery might be left to the judiciary²³—thus giving evidence of a faith in Supreme Court decisions that was not shared with A. H. Stephens, as we have already seen. Yet, in spite of all of his efforts, President Polk did not succeed in settling the California and New Mexico issues during his administration.

While the discussion of the territorial situation was going on, other questions of a sectional nature arose, which made the matter far more complex and difficult of settlement. On July 10, 1848, A. H. Stephens offered a set of resolutions requesting information from the President as to the western limits of Texas. Nine-tenths of the people of the country, he said, had understood the President's message of December, 1846, to claim the Rio Grande boundary from mouth to source, but General Kearney, alleging authority from President Polk, had set up a territorial government with the capitol at Santa Fé.²⁴ Polk replied, July 24, that the claim of Texas to the country east of the upper Rio Grande was well founded, but that it had never been reduced to occupancy, and that a temporary government had been set up there because the Mexicans had been found in actual possession.²⁵ This matter apparently attracted very little of the attention of Congress at the time, but it was destined to play a prominent part in later affairs. Other developments in the House were regarded as of greater importance for the time being. On motion of Root, of Ohio, December 13, 1848, the committee on the territories was charged to bring in a bill, or bills, for the organization of California and New Mexico, with instructions to prohibit slavery.²⁶ Upon the same day, John G. Palfrey, of

22. Richardson, Messages and Papers, Vol. IV, pp. 587-593.

23. Ibid, pp. 639-642.

24. Cong. Globe, 30 Cong., 1 Sess., p. 910.

25. Richardson, Messages and Papers, Vol. IV, pp. 594-600.

26. Cong. Globe, 30 Cong., 2 Sess., p. 39.

Massachusetts, was refused permission to introduce a bill repealing all legislation by Congress establishing or maintaining slavery or the slave trade in the District of Columbia.²⁷ Gott, of New York, succeeded in securing the adoption of a bill, December 21, instructing the committee on the District of Columbia to bring in a bill prohibiting the slave trade in the District.²⁸ The opposition, however, was able to bring about a reconsideration of the bill, on January 10, 1849, and nothing more was heard of it. While it was being reconsidered, Meade, of Virginia, moved an amendment instructing the committee on the District to report a bill to enable slave owners more effectually to recover their slaves escaping from one State to another.²⁹ It was ruled out of order, but its mere introduction was sufficient to make it one of the most irritating and troublesome questions of the whole controversy. Although only the measure introduced by Root was permanent in its character, they were all, nevertheless, seized upon by the South as grievances, and the various issues thus raised were fought out about the territorial question as a center.

As a result of these events, there occurred at Washington an affair that attracted great attention throughout the country, and revealed the height to which the slavery question had risen. Members of Congress from the Southern States held a series of evening meetings in the Senate chamber. As many as seventy or eighty assembled at first, but, according to Benton, about one-half attended to prevent mischief to the Union.³⁰ Calhoun was the leading spirit, his object being the furtherance of his plan for Southern co-operation.³¹ The first meeting was held upon the evening of December 23, 1848, and two subsequent ones were held upon the evenings of January 15, and January 22, 1849. At the first meeting, a special committee of fifteen was appointed, with A. H. Stephens chairman. This committee met, December 30, and, on motion of Calhoun, a sub-committee of five was appointed to prepare an address to the people of the South. At the next committee meeting, January 13, Calhoun presented the

27. Cong. Globe, 30 Cong., 2 Sess., p. 38.

28. *Ibid.*, p. 83.

29. Cong. Globe, 30 Cong., 2 Sess., p. 216.

30. Benton, *Thirty Years' View*, Vol. II, p. 733.

31. See Chapter 1, pp. 11-15.

draft of an address, which was adopted, after some opposition, principally on the part of Chapman, of Maryland.

At the second general meeting of the members it was voted to exclude reporters, and the proceedings went on in secret. Outside it was reported that Calhoun was resolved upon a dissolution of the Union, and Washington awaited the result of the evening conference in the greatest suspense.³² Calhoun's address was the matter under consideration. Southern Whigs, who had taken part in the affair merely for the purpose of controlling proceedings, opposed it at every step, and finally voted to re-commit it to the committee without instructions. Their opposition was due to the fact that they did not expect the Taylor administration, which they had done so much to bring into power, would permit any act at which it would be necessary to rebel;³³ and when we consider that General Taylor was a native of Louisiana, and an owner of slaves, their trust did not appear ill-founded. Clayton, of Delaware, had actively opposed the measure, and A. H. Stephens tried to bring an end to the proceedings by making a motion to adjourn *sine die*. Upon the latter being decided in the negative, Stephens, with Chapmen and Rusk, requested to be excused from serving longer on the committee of fifteen, which request was granted. Others were appointed to fill their places, and the members adjourned to meet again on the evening of January 22.

32. Life of Horace Mann, p. 273.

33. Robert Toombs wrote to Governor Crittenden of Kentucky, January 22, 1849, upon the evening of which day the last general meeting of the Southern members was held, as follows: "We have completely foiled Calhoun in his miserable attempt to form a Southern party. We found a large number of our friends would go into the wretched contrivance, and then determined it was best to go in ourselves and control the movement, if possible. We had a regular flare up in the last meeting, and at the call of Calhoun I told them that the Union of the South was neither possible nor desirable until we were ready to dissolve the Union; that we certainly did not intend to advise the people now to look anywhere else than to their own Government for the prevention of apprehended evils; that we did not expect an administration which we had brought into power would do an act, or permit an act to be done, which it would be necessary to rebel at . . .; that we intended to stand by the Government until it committed an overt act of aggression upon our rights, which neither we nor the country ever expected to see. We then, by vote of forty-two to forty-four, voted to recommit his report (we had before tried to kill it directly, but failed). We hear that the committee have whittled it down to a weak milk-and-water address to the whole Union. We are opposed to any address whatever, but the Democrats will probably outvote us tonight and put forth the one reported, but it will have but two or three Whig names." Coleman, Life of Crittenden, Vol. I, pp. 335-336.

At the last general meeting of the members, an address, prepared by a sub-committee, of which Berrien, of Georgia, a Whig, was chairman, was reported as a substitute for the Calhoun measure.³⁴ It was an address to all of the people of the country, instead of merely to the South, and, in place of the Calhoun tone of challenge, it took the form of an urgent appeal to the patriotism and spirit of fairness in the North. By a vote of 42 to 17, it was decided to issue the Calhoun address. Stephens made a last desperate effort to prevent any address being issued, but the attempt ended in failure.³⁵

The address set forth that "we, whose names are hereunto annexed, address you in the discharge of what we believe to be a solemn duty on the most important subject ever presented for your consideration." Then follows an allusion to the sectional conflict growing out of a difference of feeling and opinion in reference to the relation existing between the European and African races in the Southern States. Purporting to give a "clear, correct, but brief account of the whole series of aggressions and encroachments" on Southern rights, it outlined the history of the conflict, mentioned the British experience with emancipation in the West Indies as affording a very faint picture of the calamities emancipation in the United States would bring on the South, and it declared that emancipation would certainly take place unless prevented. The question, "What is to be done to prevent it?" was answered as follows:

"We, then, are of the opinion that the first and indispensable step, without which everything may be, is to be united among ourselves on this great and most vital question. . . . If you become united, and prove yourselves in earnest, the North will be brought to a pause, and to a calculation of consequences; and that may lead to a change of measures, and to the adoption of a course of policy that may quietly and peaceably terminate this long conflict between the two sections. If it should not, nothing would remain for you but to stand up immovably in defense of rights involving all your property, prosperity, equality, liberty,

34. For the Berrien substitute see *Niles Register*, Vol. LXXV, pp. 101-104.

35. For an account of the proceedings of these Southern meetings see *Niles Register*, Vol. LXXIV, p. 401, Vol. LXXV, pp. 84-88; *Republican Banner* (Nashville, Tenn.) for February 7 and 9, 1849. Authorities differ in regard to the vote on the Calhoun address. *Niles* gives it as 42 to 17.

and safety. As the assailed, you would stand justified by all laws, human and divine, in repelling a blow so dangerous, without looking to consequences, and to resort to all means necessary for that purpose. . . . Entertaining these opinions, we earnestly entreat you to be united, and for that purpose adopt all necessary measures. Beyond this, we think it would not be proper to go at present.”³⁶

Calhoun's object was to unite the South and prepare her people to meet and repel forever the aggressions of the North. Convinced that the time had come for them to vindicate their rights, rather than yield an inch he was prepared to take any alternative, even if it should be disunion, and he trusted that such would be the determination of the South.³⁷ He was of the impression that the time was near at hand when the South would have to choose between disunion and submission; in order to prevent which it was necessary “for the South to present with an unbroken front to the North the alternative of dissolving the partnership or of ceasing on their part to violate our rights and to disregard the stipulations of the Constitution in our favor; and that without delay.” In order to present such a front, he recommended that a Southern Rights convention, about to assemble in Columbia, South Carolina, call a convention of the Southern States. If such a presentation should fail to save the Union, “it would afford proof conclusive that it could not be saved, and that nothing was left us but to save ourselves,” wrote Calhoun.³⁸ Here, again, we are confronted with the scheme of a convention of the Southern States for the purpose of bringing about united action upon the part of the slaveholding section. It had been carefully nourished by Calhoun ever since the inception of the struggle relative to slavery in the territories, and to its accomplishment he bent every energy. It was the one absorbing topic of his mind.

He did rightly in looking to his own State for initial action, for it was the only Southern State sufficiently permeated with his own ideas to take the step. “Let South Carolina hold back

36. For the address see *Niles Register*, Vol. LXXV, pp. 84-88; Benton, *Thirty Years' View*, Vol. II, p. 734.

37. Calhoun to Hammond, February 14, 1849, *Calhoun Correspondence*, pp. 762-763.

38. Calhoun to John H. Means of South Carolina, April 13, 1849; *Ibid*, pp. 764-766.

a little, until her more slothful sisters can be equally well instructed in their rights and duty under the present emergency," wrote Hilliard M. Judge, of Alabama, to Calhoun. This delay, he explained, was not so necessary for Alabama as for the Western States, "for, next to South Carolina, Alabama is better prepared for resistance than any other Southern State." The southern part of the State had responded most emphatically to the "Southern Address," but northern Alabama was much less interested; he thought it would follow the lead of the southern portion, however. Judge Goldthwaite was arousing public attention to the question by charging the grand juries in his circuit in an able manner upon the subject—a method said to have a most admirable effect upon the ignorant portion of the people under color of the Judge's authority. The great difficulty was "to make the masses see beyond their noses—they do not see and feel that the necessary consequence of allowing all the outposts of slavery to be carried involves a certain destruction of the citadel itself."³⁹

Another Calhoun supporter reported the results of his observations south and west. The people of Georgia of both great political parties were said to be up to the mark and ready to act, but might not take the lead. Florida was reported "right." All of the Southern cities, on account of the infusion of Northerners and foreigners, were daily becoming more unsound and uncertain, and their influence was spreading to the interior. Louisiana, in his opinion, would be the last State to strike for the defense of the South. The Creoles could not be made to comprehend their danger until their negroes were being taken out of the fields. New Orleans was practically free soil; the laborers and draymen of the city were all white and foreigners, and they would mob or kill a negro before they would let him drive a dray. The steamboats were employing white servants, and the issue of free labor against slave labor would soon be made at the South. Furthermore, a feeling was said to be prevalent in the State that, by restricting slavery to its present bounds, the lands and slaves of Louisiana would be enhanced in value.⁴⁰ The substance of this letter is given merely as part evidence

39. Calhoun Correspondence, pp. 1195-1197.

40. H. W. Connor to Calhoun, January 12, 1849, Calhoun Correspondence, pp. 1188-1190.

that Calhoun had a number of able lieutenants through whose correspondence he kept in close touch with the Southern popular pulse.

Herschel V. Johnson wrote from Milledgeville, Georgia, July 20, 1849, that, notwithstanding favorable demonstrations, he entertained gloomy forebodings, for "I seriously fear that the people of the South are not properly awake to the danger,—not thoroughly nerved to united resistance."⁴¹ All of these letters emphasize the fact that the great problem before Calhoun and his followers was to arouse the masses to action, and bring them into line with the leaders. We are free to conclude that they spared no efforts in their purpose to do so.

Yet, all in all, events were progressing in a way calculated to bring joy to the hearts of Calhoun and his followers. Two days before the adoption of the "Southern Address," the Virginia Assembly, spurred to action by unfavorable reports concerning matters in Congress touching Southern interests, adopted resolutions denying that Congress had any power over slavery; declaring for equality of rights in the territories; recommending concerted action upon the part of the slaveholding States, in case the Proviso should pass; declaring that laws abolishing slavery, or the slave trade, in the District of Columbia would be resisted at every hazard; and requesting the Governor, in case either of the above-mentioned measures should pass Congress, to convene the Legislature of the State in special session for the purpose of considering the mode and measures of redress.⁴²

These resolutions were adopted by the Democratic State Convention of Georgia;⁴³ they were approved at public meetings held all over the South,⁴⁴ and they made a great impression at the North.⁴⁵ All, or nearly all, of the Southern States passed similar ones,⁴⁶ for all felt the seriousness of the danger that threatened from the North. Those of North Carolina, passed on the same day as those of Virginia, protested against the aggressions of the North upon the rights of slaveholders, and

41. Calhoun Correspondence, pp. 1197-1199.

42. This act was passed January 20, 1849. Acts of Assembly, 1848-1849, pp. 257-258.

43. Calhoun Correspondence, p. 1198.

44. Rhodes, History of the United States, Vol. I, p. 105.

45. Calhoun Correspondence, p. 762.

46. Ames, State Documents on Federal Relations, No. 6, p. 3.

against the recent proceedings in Congress, but at the same time they expressed a purpose to “repel indignantly every attempt to alienate any portion of our country from the rest, or to enfeeble the sacred ties which now link together the various parts.”⁴⁷

Impelled by the growing indignation against the North, the Virginia Legislature, on February 7, 1849, adopted a resolution requesting their Senators and Representatives in Congress to use their earnest and persevering efforts to have the Fugitive Slave Act of 1793 so amended that it would give to slave owners the rights guaranteed them by the Constitution of the United States.⁴⁸ By February 12 it was so far committed to Calhoun’s plan that resolutions were adopted authorizing and requesting the Governor to issue a call for the election of delegates to a State convention, which should be given power to appoint delegates to a Southern convention, in case the Proviso, or the bill abolishing slavery in the District of Columbia, should pass Congress.⁴⁹ In spite of these open demonstrations of a set purpose upon the part of the Legislature, it was confidently asserted by one of Calhoun’s followers that, “should the Wilmot Proviso be passed, nay, should Congress next proceed to abolish slavery in the District, and the trade between the States . . . Virginia, after a few patriotic groans, will submit. She is already deeply infected with the spirit of abolitionism, much more deeply than most persons think, and I have no doubt our leaders—who, for the most part, are mere pensioners of the Federal Government . . . will take advantage of the circumstances to make such compromises as they have made heretofore.” The result of the last election, he stated, afforded no fair criterion of popular sentiment, except in some portions east of the mountains. When the occasion called for the decisive action, “South Carolina will have to look to the States further south for support.”⁵⁰

As a matter of fact, there was strong opposition to the institution of negro slavery in the border States. Owing to the unprofitableness of this species of labor there, there was a dis-

47. Laws of North Carolina, 1848-1849, pp. 237-239.

48. Acts of Assembly (Extra and Regular Session), 1849-1850, pp. 240-254.

49. *Ibid.*, pp. 233-234.

50. R. K. Cralle to Calhoun, July 25, 1849, Calhoun Correspondence, pp. 1199-1202.

position upon the part of slave owners to sell their slaves to the planters in the States farther south, and eventually to abolish the system.⁵¹ This caused great alarm in the cotton States. There it was feared that, after disposing of their negroes, and receiving their money in payment, they would join forces with the Abolitionists in an effort to abolish slavery from the country.⁵² To check and anticipate their danger, it was proposed to forbid the introduction of negroes from the border States, and in this way retain those States as allies by forcing them to keep their slaves, and thus have a common interest with the lower South in the preservation of the institution.⁵³ There were the best of reasons for carrying out this suggestion, since the northern States of the South were reputed to comprise over half of the political strength of the slave States.⁵⁴ Movements were set on foot in Mississippi,⁵⁵ and in Georgia,⁵⁶ for its execution, but the activity of the Abolitionists had checked the emancipation movement to a great extent,⁵⁷ and it is doubtful if such action was necessary.

In Kentucky the movement towards freeing the negroes was more marked than in any of the States of the border—a movement that awakened genuine feelings of alarm in Tennessee, since it threatened the removal of the bulwarks between the latter and ultra-abolitionism.⁵⁸ Henry Clay was one of its most influential advocates. In a letter to Richard Tindell, February 17, 1849, Clay outlined a plan for gradual emancipation that was intended to influence a convention about to assemble for the purpose of revising the State Constitution.⁵⁹ He had little confidence in any hopes of success, however, for the agitation North and South had produced a strong anti-emancipation feeling in the State. A people's meeting, held in Trimble County, requested him to resign his office as Senator, on account of the

51. De Bow's Review, Vol. XI, p. 618.

52. Niles Register, Vol. LXXV, pp. 187-188.

53. De Bow's Review, Vol. XI, p. 618.

54. Niles Register, Vol. LXXV, pp. 187-188.

55. Ibid, p. 97.

56. Republican Banner, February 26, 1849.

57. De Bow's Review, Vol. XI, p. 618.

58. Republican Banner, February 26, 1849. It was declared that the matter was in advance of all party questions.

59. See Public Correspondence in Colton, Last Seven Years of Henry Clay, pp. 346-352.

sentiments expressed in his Tindell letter.⁶⁰ A convention, made up of friends of constitutional reform had already met at Frankfort, February 5, and adopted resolutions to the effect that it was inexpedient to alter the existing relation between master and slave.⁶¹ The friends of emancipation also held a convention in the same city, on April 25. One hundred and fifty-six delegates were present, representing twenty-four counties. Henry Clay was chairman. Resolutions were adopted setting forth that no attempt ought to be made then, or at any time, to set slaves free by compulsory emancipation, without first compensating the owners, but that the movement ought to begin with those born after the beginning of the scheme, and those set free removed from the State as soon as liberated.⁶²

The Constitutional Convention, when it met, not only did not provide for emancipation, but it inserted a clause in the revised instrument denying to the General Assembly the power to pass laws for freeing the slaves, without the consent of their owners, or without paying to owners, previous to such emancipation, a full equivalent in money. It also provided for their removal from the State as soon as set free. A free negro, or mulatto, thereafter immigrating, or refusing to leave the State, or having left and returned, was to be guilty of felony, in the prosecution for which a grand jury was not necessary.⁶³ It thus appears that one of the great difficulties in the way of emancipation in Kentucky was the problem of how to dispose of the freed negro; but, had that problem been solved, it is doubtful if the work could have been accomplished in the year 1849.

In Tennessee we have the whole Southern situation, outside of South Carolina, re-enacted upon a small scale. The Democrats, under the spurrings of certain leaders, were taking ground closely approximating the standard held up by Calhoun. There, as elsewhere in the South, the Whigs, looking forward with high hopes to the approaching Taylor administration, held up the

60. Niles Register, Vol. LXXV, p. 384.

61. Ibid, p. 122.

62. Ibid, p. 301.

63. Report of the Debates and Proceedings of the Convention for the Revision of the Constitution of the State of Kentucky, 1849, pp. 1100-1101.

restraining hand.⁶⁴ The Democratic State Convention, which met at Memphis, adopted a series of resolutions; one of which, the so-called Coe resolution, and which evidently had the influence of Calhoun back of it, recommended to the people and Legislatures of the South, that they discontinue commercial relations with the North and foster direct trade with Southern ports, "by all constitutional means within their power," if the North committed further aggressions upon their rights by enforcing the Wilmot Proviso, or kindred measures. The constitutionality of this method of procedure was, rightly enough, questioned by the Whig press,⁶⁵ and it was openly charged that a few of the Democratic leaders were trying to take advanced ground under the leadership of Mr. Calhoun. Moreover, it was declared that the "drill sergeants" of that party, who, as the recent events plainly showed, did not recognize his leadership, and who were trying to make the Whigs of the South follow the South Carolina clique, had a heavy task before them to first whip into line the able and refractory men of their own party.⁶⁶ They, however, did not hesitate to say that they were ready to unite with the people of the Southern States in resisting aggressions upon their rights, but "the people" they in nowise regarded as tied to the measures of a few of the Democratic leaders.⁶⁷ The Whigs of Tennessee had correctly analyzed the political situation.

The course of events in Missouri resulted in the retirement of Thomas H. Benton from the United States Senate. Although a Southerner, Benton had taken a position on the question of slavery expansion in accord with some of the more conservative men of the North. Ever since he had supported and defended

63. The Daily Center-State American, citing the Augusta Constitutional (Georgia) in comment on opposition to the stand taken by South Carolina, states: "The glory of these assaults is monopolized solely by the Whig press of the South, and only a few of these have been ardent competitors as to which should say the bitterest things."

65. The Republican Banner, May 17, 1849, thus comments: "Let us see, now, what all this means! The Constitution expressly reserves to the General Government the power to 'regulate commerce among the several States.' And, yet, here is a measure proposed by a prominent member of the Democratic party, which looks to an act plainly unconstitutional. . . . It calls upon the Legislature to do by 'constitutional means' that which, according to the Constitution of the United States, these bodies have no right to do at all! Put the best construction upon the Resolution possible, and it is merely a wretched farce!"

66. The Democratic party at the South threatened to split over the issue as it had done at the North. Democratic Review, Sept. 1849.

67. Republican Banner, March 29, 1849.

President Jackson in his policy towards nullification in South Carolina, he had been a personal enemy of Calhoun; he had taken a prominent part in defeating the latter's plans for the immediate annexation of Texas in 1844; and, now, in the present controversy, he freely charged that Calhoun and his followers were plotting a dissolution of the Union.⁶⁸ Because of his attitude in regard to Texas annexation in 1844, the Missouri followers of Calhoun at that time, urged on by influences outside of the State, tried to oust him from the Senate, and, incidentally, to deprive him of his control over Missouri politics, but unsuccessfully. A State Legislature, in which his followers held control, triumphantly re-elected him in 1845. After this, his enemies in the State joined the pro-slavery, or Calhoun, wing of the Democratic party, and, getting control of the Legislature in December, 1848, they adopted a set of resolutions condemning the Wilmot Proviso, and instructing their Senators and Representatives in Congress as to what course to pursue.⁶⁹ These resolutions were read in the United States Senate, January 3, 1849, by David R. Atkinson,⁷⁰ Benton's colleague, and a strong Calhoun supporter. Imagining that he saw the influence of Calhoun back of these resolutions, and interpreting the instructions in the light of reflections cast upon the course he had pursued in Congress,⁷¹ Benton determined to disregard the latter, and make a direct appeal to the people for the purpose of vindicating his conduct.

Accordingly, after Congress had adjourned, he issued, May 9, 1849, an "Appeal"⁷² to the people of Missouri, which he followed up by an energetic campaign through the State preceding the election of the next Legislature, to which would fall the duty of choosing a United States Senator, as his term of office was

68. "You see that Benton has openly deserted, and that he pours out his venom against me. I am averse to touching him, and, if his aim had been against me exclusively, I would not notice him. But such is not the fact. He strikes at the South and its cause through me; and I have concluded to repel his attack against myself, to the extent that it is necessary to repel it against the South." Calhoun to Andrew Pickens Calhoun, June 23, 1849, Calhoun Correspondence, p. 768.

69. Laws of Missouri, 1848-1849, p. 667.

70. Cong. Globe, 31 Cong., 1 Sess., pp. 97-98.

71. P. O. Ray, *The Repeal of the Missouri Compromise*, p. 41. Mr. Ray writes that no more significance would have attached to these resolutions than to similar ones aimed against the Wilmot Proviso in other States had it not been for Benton's extraordinary course in relation to them.

72. For the "Appeal" see *Niles Register*, Vol. LXXV, p. 332.

about to expire. The excitement was intense, since the campaign was of such a nature that everyone felt called upon to take sides. It spread to the Whigs, who, in consequence, divided into Benton and anti-Benton factions. The legislative resolutions, known, from their author, as the Jackson resolutions, and Benton's "Appeal" formed the platforms of the radicals and conservatives, respectively. Benton was denounced for his refusal to obey the legislative instructions; and he, in characteristic Benton fashion, enlarged upon the charges made in his appeal to the people, and denounced his enemies as followers of Calhoun, who were plotting his downfall, and the dissolution of the Union. The campaign was exceedingly acrimonious.

The Legislature elected was so evenly divided between the Benton, anti-Benton and Whigs, that no one faction could command a sufficient majority to elect a Senator. Balloting went on from January 10 to January 22, 1851. Excitement ran high. Finally, the Whigs, who held the balance of power in the Legislature, were able to profit by the Democratic warfare, and, by winning a few votes from each of the other factions, they succeeded in electing one of their own party, Henry S. Geyer, of St. Louis. Benton soon after organized his followers in a bolt from the regular Democratic organization, ran as an independent candidate in the First Congressional District of Missouri, and was elected to the United States House of Representatives.⁷³

The feeling at the North became more and more pronounced as time went on. There, as at the South, the tendency towards party cleavage was manifested in the presence of the issue that was more a question between sections than between parties, in spite of the efforts of politicians to make it appear a party matter. After the election of 1848, Northern Democrats were inclined to unite upon the subject of slavery exclusion from the territories. In Ohio, the Regulars and the Independents, those Democrats who had supported Van Buren in 1848, united and elected Salmon P. Chase, a man holding extreme anti-slavery views, to the United States Senate, where he took his seat in March, 1849.⁷⁴ At about the same time the Whigs of New York sent William H. Seward to the Senate.⁷⁵ The selection of these

73. P. O. Rav. The Repeal of the Missouri Compromise, Chs. I and II.

74. Warden, Life of Chase, p. 336.

75. Seward entered the Senate at the time Taylor was inaugurated. Seward's Works, Vol. III, pp. 414-416.

two men was significant of the altered state of public opinion at the North. Both were leaders in a new movement that was rapidly taking shape; both were opposed to any compromise with the South; and they were disciples of John Quincy Adams,⁷⁶ who saw more clearly than any other statesman at the North what Calhoun at the South saw, that a compromise would merely put off, and not decide, the question. They were striving to accomplish at the North exactly what Calhoun was trying to do at the South: namely, force the issue to a settlement. They were men of a new school of statesmanship, who were destined to cause a new era in the history of the nation.

The Legislatures of all of the Northern States, except Iowa, passed resolutions either declaring that Congress had the power to prohibit slavery in the territories, as if in answer to those of the Southern States denying the right, or requesting their Representatives and instructing their Senators to use their utmost efforts to bring about the abolition of slavery, or the slave trade, in the District of Columbia.⁷⁷ In Iowa similar resolutions passed the Senate, but failed in the House.⁷⁸ When we consider the fact that some of these resolutions were passed by Whig Legislatures, and others by Legislatures in which the Democrats were in the majority,⁷⁹ we gain an idea of the weakness of party lines.

Everywhere new forces were taking shape, and new leaders were coming to the front. There was great activity among the Free-Soilers. At one of their conventions, held at Worcester, Massachusetts, Charles Sumner first became prominent as a national leader in the anti-slavery campaign.⁸⁰ The Free-Soilers of Ohio celebrated the passage of the Ordinance of 1787 at the city of Cleveland, July 13, 1849. Henry Clay, who had evidently increased his popularity with them by his advocacy of emancipation in Kentucky, was invited to attend and address the gathering, but he declined, probably, as one of the newspapers suggested, because he considered it ill-timed and likely to increase the prevailing excitement.⁸¹

76. Ford, *The Campaign of 1844*, in *Proceedings of the Amer. Antiq. Soc.*, Vol. XX, p. 125.

77. *New York Tribune*, October 24, 1849.

78. *Niles Register*, Vol. LXXV, p. 113.

79. *Ibid.*, pp. 190, 239, 399.

80. Lester, *Life and Public Services of Charles Sumner*, p. 67.

81. *National Intelligencer (Daily)*, July 21, 1849.

CHAPTER III.

THE CONGRESSIONAL ADOPTION OF CLAY'S COMPROMISE.

The intrusion of the slavery question into national politics prevented the organization of California and New Mexico during the years 1848 and 1849. The inhabitants of those territories, feeling the need of more efficient governments than were afforded by President Polk's military organizations, and becoming impatient over the inactivity of Congress in their behalf, proceeded to take matters into their own hands. We shall first consider the situation in California, where the accidental discovery of gold resulted in a rapid increase in population, and exerted a powerful influence upon the people's effort for political relief.

Dissatisfaction with the military government began soon after the arrival of the overland emigrants in 1847. The people disliked taxation without representation, and a business depression added to the feeling of unrest. The discovery of gold increased the difficulties. Towns were deserted for the mines, and industrial pursuits ceased in many places. Immigrants poured in from Oregon, Mexico, and the Sandwich Islands. As news of the discovery spread over the world, thousands disposed of their property, and sought fortunes in California. The arrival of all sorts and conditions of people naturally resulted in much disorder and lawlessness. Murders, highway robberies, and other outrages, in various parts of the country, forced the inhabitants, in the absence of Congressional action, and by reason of the inaction of the military Governor, Colonel Mason, to take matters into their own hands. This they did in characteristic frontier fashion by applying the principles of "Lynch Law" to the offenders; but such methods did not meet with approval among a people naturally inclined to respect the law.

Many thought that it was the duty of Colonel Mason to call a convention, for the purpose of drawing up a provisional territorial government, at the time peace was declared with Mexico, and when he neglected to do so the dissatisfaction grew. The public mind was quieted during the summer and fall of 1848, however, by the hope that Congress would provide the necessary

organization. The hope proving vain, and no immediate relief being promised them, the people themselves decided upon the formation of a provisional government. A large public meeting, held in San Jose, December 11, 1849, unanimously adopted a resolution recommending the formation of a provisional government, to remain in force until Congress should act, and the proceedings, published and circulated, met with approval in the northern and middle sections of the territory. Similar meetings at San Francisco, Sacramento, Sonoma, and Monterey, held during the months of December and January, endorsed the action taken at San Jose, and elected delegates to attend a convention for the purpose. At this point of the proceedings the movement was checked by two occurrences: the severe winter rains rendered the roads impassible and prevented communication, and news was received from Washington to the effect that Congress would not adjourn until a government had been provided for the territory.

The arrival of the steamship *Edith*, May 28, 1849, with the news that Congress had again adjourned without providing the much-desired government, decided the people to delay no longer. At the beginning of June, the so-called Legislative Assembly of San Francisco issued an address to the people of California, recommending that at least twelve delegates be elected to attend a general convention at San Jose on August 3. In place of a provisional government, as recommended by the San Jose meeting, the San Francisco address proposed the formation of a temporary State government, to be put into operation at the earliest practicable moment, after it had been ratified by the people, and to become a permanent State government when the territory was admitted to the Union. This recommendation met with general approval.¹

Without any knowledge of the proceedings at San Francisco, General Bennett Riley, who succeeded Colonel Mason as military Governor of California, issued from Monterey, June 3, 1849, a proclamation calling a convention of the people to meet at that place September 1, 1849, for the purpose of forming a State

1. Memorial of Senators and Representatives Elect from California asking Admission into the Union. House Misc. Doc., No. 44, 31 Cong., 1 Sess., 1849-1850, pp. 1-8. In the following pages this document will be referred to as the "Memorial of Senators and Representatives."

Constitution. General Riley had made a close study of the political situation in the territory, which soon convinced him that, as a matter of self-preservation, the people would be forced to take matters into their own hands unless Congress made early provision for them. Accordingly, he had drawn up his proclamation beforehand, and awaited news from Washington before proceeding further in the matter; but news of the continued inactivity at the seat of government, brought by the steamer Edith, determined him, and he at once issued the call.²

A meeting at San Jose, June 7, concurred in the call issued by General Riley, and similar gatherings held all over the territory endorsed it. The people of San Francisco were at first inclined to question the military Governor's authority, but, owing to the press of circumstances, they recommended co-operation. The election of delegates took place on August 1.³

Upon the appointed day, September 1, 1849, the delegates met in convention at Monterey, but, a quorum not being present, they adjourned to September 3. Eight of the forty-eight members were natives of California who spoke the Spanish language. Twenty-three were natives of free States, and fourteen of slave States. Very few books of reference were available for the use of the delegates, but copies of the recently-framed Constitutions of New York and Iowa had been procured. Party affiliations played no part in the proceedings.⁴ In the Constitution drawn up by this body, the section in the Bill of Rights providing that "Neither slavery nor involuntary servitude, unless for the punishment of crimes, shall ever be tolerated in this State," was adopted unanimously.⁵ This may strike one as rather strange, considering the number of Southern men in the convention, but the fact is that there was general opposition in the territory to competition with cheap labor—an opposition that was more marked after the discovery of the mines than before.⁶ The question of boundaries for the new State claimed much atten-

2. Willey, *The Transition Period of California*, pp. 83-88. In the following pages this work will be referred to as "*Willey, Transition Period*."

3. *Memorial of Senators and Representatives*, p. 9.

4. Willey, *Transition Period*, pp. 92-94; Bancroft, *California*, Vol. XXIII, p. 288

5. *Memorial of Senators and Representatives*, p. 10; Willey, *Transition Period*, p. 97; Bancroft, *California*, Vol. XXIII, p. 290.

6. *Memorial of Senators and Representatives*, p. 10; Willey, *Transition Period*, p. 133.

tion from the delegates. General Riley's proclamation embraced only the territory west of the Sierra Nevada Mountains,⁷ but many were in favor of a more eastern boundary.⁸ The Sierra Nevada line was finally adopted as being the more natural eastern limit.⁹ It is interesting to note that those who argued for the larger boundary sought to settle the slavery controversy by including the territory in dispute, and thus leaving to Congress simply the matter of admitting the new State to the Union.¹⁰ Since the larger number who voted for the larger boundary were men from the free States, the often-repeated charge that the pro-slavery members hoped to eventually secure an additional State for the South by making California so large that it would subsequently have to be divided, seems to be without foundation. Nothing was said during the debate to arouse even a suspicion of such a hope upon their part.¹¹

The Constitution, printed in English and Spanish, was submitted to the people December 13, 1849. In all, 15,000 votes were polled; 2061 for, and 811 against—the printer failed to print the words “for the Constitution” on many of the ballots, which also contained the names of candidates for State offices, and they were blanks in consequence.¹² A large proportion of those who voted in favor of the Constitution were recent immigrants from slave States.¹³ The newly-elected Legislature met at San Jose, the selected capitol, December 15, 1849, and elected Senators to Congress. General Riley, by proclamation, soon after delivered the government into the hands of the State officials.¹⁴ Upon the Senators and Representatives elect proceeding to Washington, and, being refused admission to Congress, they drew up their memorial in order to set forth the true state of affairs in California.

In New Mexico the absence of a sufficient population prevented the formation of a State government, but an attempt was

7. Willey, *Transition Period*, p. 101.

8. *Ibid.*, p. 98.

9. *Ibid.*, p. 122.

10. *Ibid.*, p. 108.

11. Memorial of Senators and Representatives, p. 10; Willey, *Transition Period*, pp. 104-105.

12. Memorial of Senators and Representatives, p. 14.

13. The Memorial states two-thirds, p. 10; Willey's estimate is three-fifths. See *Transition Period*, p. 133.

14. Memorial of Senators and Representatives, p. 14.

made to stir Congress to action. A convention, called in conformity with a proclamation issued by Acting Governor Lieutenant-Colonel Bell, met at Santa Fe, September 24, 1849. Resolutions were adopted, plans for a territorial government were drawn up, and a delegate was elected to represent them in Congress. The resolutions, which set forth their chief grievances, complained that for three years the people had suffered under a military government so inefficient that business had been paralyzed; that they had not been properly protected from the Indians; that there was no way to provide for the education of their children; and they prayed Congress for the organization of an effective territorial government. Congress was asked to provide for clauses in the territorial Constitution guaranteeing protection to Catholics, and securing the "compliance with contracts between master and servant, according to the intent of all parties." Boundaries for the territory were suggested as follows: Indian Territory on the north, California on the west, the boundary line between the United States and Mexico on the South, and the State of Texas on the east—limits by no means definite when we consider that the eastern extent of California and the western boundary of Texas were then undetermined. For the better protection of the territory, a permanent establishment of troops was recommended; one regiment to be raised, organized, and officered within the territory.¹⁵

Such was the political situation in California and New Mexico when the thirty-first Congress met, on the first Monday in December, 1849; but, owing to the lack of more rapid means of communication, no news of the proceedings had been received in Washington. So far as the people of California were concerned, the question relative to the introduction of negro slavery into their midst had already been settled, but before their Senators and Representatives were admitted to their respective Houses of Congress the sectional controversy had to run its course.

Just as soon as Congress met, the struggle was renewed over the election of a Speaker in the House of Representatives. The

15. Journal and Proceedings of a Convention of Delegates Elected by the People of New Mexico, Santa Fe, September 24, 1849, Presenting a Plan for a Civil Government and Asking Congress to Take Action. House Misc. Doc., No. 39, 31 Cong., 1 Sess., 1849-1850.

Whigs and Democrats were so equally divided in that branch of the National Government that thirteen Free Soil members held the balance of power, and they repeatedly used their advantage to prevent the election of either the Whig candidate, Robert C. Winthrop, of Massachusetts, or the Democratic candidate, Howell Cobb, of Georgia. Balloting went on for three weeks, amid great disorder. At one time W. J. Brown, a Democrat from Indiana, was about to be elected, when it was discovered that he had pledged himself, in case he was elected, to make up the committees in accordance with the wishes of Mr. Wilmot and his friends. This angered Southern members, and threats of disunion were uttered in the course of the debate that followed. Robert Toombs and A. H. Stephens were especially outspoken and bitter in their denunciations. After an exciting attempt to gain the floor, during which he was repeatedly interrupted by cries of "Order," Toombs finally gained his point, and declared: "I do not then hesitate to avow before this House and the country, and in the presence of the living God, that if, by your legislation, you seek to drive us from the territories purchased by the common blood and treasure of the people, and to abolish slavery in the District, thereby attempting to fix a national degradation upon half the States of this confederacy, I am for disunion, and if my physical courage be equal to the maintenance of my convictions of right and duty, I will devote all I am, and all I have on earth, to its consummation." Finally, after three weeks of such scenes, it was voted that a plurality should elect, and on the sixty-third ballot Howell Cobb was declared Speaker.¹⁶

President Taylor sent in his annual message as soon as the House was organized. It had been written before the Constitution of California had been received, and, in reference to matters in that section of the country, it called attention to recent news that gave him reason to believe that a State Constitution had been drawn up, and that admission into the Union would shortly be applied for; this application he recommended to the favorable consideration of Congress.¹⁷ Previous to his inauguration, there had been much speculation in regard to just what stand the new

16. For the proceedings see Cong. Globe, 31 Cong., 1 Sess., pp. 2-67.

17. Richardson, Messages and Papers, Vol. V, pp. 9-24.

Executive would take on the slavery question. His first message was by no means reassuring to the South. Calhoun, ever intent upon keeping the irritating subject out of Congress, had requested, through Secretary of State Clayton, that nothing be said regarding the slavery difficulty,¹⁸ but his request was not complied with, for a paragraph was inserted which declared that a dissolution of the Union would be the greatest of calamities, and that he would stand by it, and maintain it, to the full extent of the obligations imposed, and the power conferred on him by the Constitution. When General Taylor went to Washington, he was of the opinion that the Northerners were the aggressors in the sectional struggle, but his experience soon taught him to think otherwise. Senator Seward, of New York, became his chief advisor,¹⁹ and from this fact we are fain to conclude, with Mr. Rhodes, that his influence "was a potent factor in the President's actual envisagement of the situation."²⁰ In gaining his position of influence, Seward was doubtless ably assisted by his friend, Thurlow Weed, who, from the prominent part he had played in the election, had great influence with the new President.

President Taylor's policy in regard to the territories was in perfect accord with the action of the people of California. Before his inauguration, he said that "he desired to substitute the rule of law and order . . . for the bowie knife and revolvers"²¹ there; and, one month after that event, in the spring of 1849, he sent T. Butler King, a Whig Congressman from Georgia, as confidential agent of the administration, to assist the movement looking towards the formation of a State government.²² Whether or not this course was advised by Seward, we have no means of determining, but it shows that the President was anxious to have California organized as a State, and thus removed from the controversy.

Soon after the annual message had been received by Congress, Senator Foote, of Mississippi, moved a resolution to the effect that it was the duty of Congress to provide suitable terri-

18. Poore, *Perley's Reminiscences*, Vol. I, pp. 354-355.

19. *Ibid.*, p. 370.

20. Rhodes, *History of the United States*, Vol. I, p. 109.

21. *Seward's Works*, Vol. III, p. 444.

22. Senate Doc., No. 18, 31 Cong., 1 Sess.

torial governments for California, Deseret, and New Mexico, at that session.²³ It is not clear just what influence this resolution had, but the Congressmen bestirred themselves. A bill was introduced in the House for the organization of that part of the Mexican cession east of the Sierra Nevada Mountains without slavery,²⁴ and separate bills were introduced in the Senate for the more effectual execution of the fugitive slave clause of the Constitution, and for the reduction of the limits of Texas with her consent.²⁵ Here, at last, were the main sectional issues before Congress in the form of bills. Their consideration soon resulted in a deadlock that shook the very foundations of the Union.

The ensuing struggle waxed more fiercely day by day. Stephens wrote to his brother Linton, January 21, 1850, that the South had ultimately to submit or fight, and that if he were in the Georgia Legislature he would introduce bills for the purpose of reorganizing the militia, and for the creation of armories, arsenals, and military schools.²⁶ The aged ex-Governor Troup, who had successfully defied President John Quincy Adams at the time of the Indian controversy, had recommended a similar arming of the State as early as the preceding September.²⁷ General Scott thought that the country was on the eve of a civil war.²⁸ Henry Clay wrote: "My hopes and fears alternate."²⁹ In spite of all manifestations to the contrary, there were those who did not consider the situation particularly dangerous. Webster wrote Peter Harvey, February 14, 1850, that he did not fear a dissolution of the Union, or a breaking up of the Government.³⁰ He soon after changed his mind. Benton ridiculed the idea of danger.³¹ Seward regarded threats of disunion as "too trivial to mention."³² Such views prompted C. S. Morehead, a Whig Representative from Kentucky, to write to Governor Crit-

23. Cong. Globe, 31 Cong., 1 Sess., p. 210.

24. Ibid, p. 91.

25. Ibid, pp. 165-171.

26. Johnson and Brown, *Life of A. H. Stephens*, pp. 243-245.

27. Harden, *Life of Troup*, Appendix, p. 15.

28. *Memoirs of General Sherman*, Vol. I, p. 82.

29. *Private Correspondence*, Colton, *Last Seven Years of Henry Clay*, p. 497.

30. Curtis, *Life of Webster*, Vol. II, p. 398.

31. Benton, *Thirty Years' View*, Vol. II, p. 749.

32. Seward's Works, Vol. I, p. 81.

tenden, of the same State, March 30, 1850, that "Our Northern friends are blind, absolutely blind, to the real dangers by which we are surrounded."³³

President Taylor's policy was supported by the Whigs and by some of the Democrats at the North; it was opposed by the Democrats and most of the Whigs of the South.³⁴ The advanced stand that the Northern wing of the Whig party had taken, under the leadership of Seward, bid fair to destroy the Whig organization. Toombs clearly stated the situation in relation thereto in a letter to Crittenden, April 25, 1850. The substance of this letter was to the effect that during the past summer the whole patronage of the Government had been thrown into the hands of Seward, which enabled him to take control of the New York organization, and force the Northern Whigs to adopt his extreme anti-slavery policy. When he (Toombs) returned to Washington, he found that the whole Whig party expected to pass the Proviso, and that they understood the President would not veto it. He saw General Taylor in regard to the matter, and, while the latter stated he had given and would give no pledges either way, he gave him to understand that, if the Proviso passed, he would sign it. Toombs stated that his course became instantly fixed to oppose it, even to the extent of a dissolution of the Union.³⁵ Southern Whigs were willing to admit California with its free Constitution, but they wanted specific guarantees protecting property in slaves in the rest of the territory ceded by Mexico. Less they were unwilling to take. Considerable pressure was brought to bear upon the President in order to make him conform to their views, but he remained inflexible upon the subject. In reply to their threats of dissolving the Union, in case he persisted in his adopted policy, he declared that, if necessary, he would himself take the field to enforce the laws of his country, and that if any of them were taken in rebellion, they would be hanged with as little mercy as he had hanged traitors and spies during the Mexican war.³⁶

At this threatening juncture, Henry Clay came forward with one of those customary schemes for compromise that have

33. Coleman, *Life of Crittenden*, Vol. I, p. 363.

34. Sargent, *Public Men and Events*, Vol. II, p. 354.

35. Coleman, *Life of Crittenden*, Vol. I, pp. 364-366.

36. *Memoir of Thurlow Weed*, p. 177; Rhodes, *History of the United States*, Vol. I, p. 134, footnote No. 2.

justly earned for him the name of the "Great Pacificator." After nearly eight years' retirement from public life, he had accepted a seat in the Senate at the opening of the thirty-first Congress, where, to quote his own words, he intended "to be a quiet looker on, rarely speaking; and, when I do, endeavoring to pour oil on the troubled waters."³⁷ At the beginning of the session, he had asked to be excused from serving on any of the standing committees, but the course of events soon caused him to take a more active part in the proceedings.³⁸ It has been intimated that revenge for the treatment he had received at the hands of the Whig party was his chief motive in entering Congress,³⁹ but, if this were so, certainly patriotism triumphed over any such baser feelings in the end. He was seventy-three years of age, and very feeble. No longer could he entertain hopes of becoming President. Moreover, he had recently allied himself with the Church, and this must have softened his thoughts towards his enemies. Even his political opponents acknowledged the purity and patriotism of his motives.⁴⁰ While the struggle was fiercely raging over the territorial bills, he introduced into the Senate, January 29, 1850, a series of eight resolutions that he offered as a basis for settlement.⁴¹

In his accompanying remarks Clay made no claim that his project would prove a permanent settlement of the sectional difficulty. It contained, he believed, about an equal amount of concession and forbearance upon both sides; but he thought he might have asked a more liberal and extensive concession from the free than from the slave States. As to why, he answered as follows: "With you, gentlemen Senators of the free States, what is it? An abstraction, a sentiment—a sentiment, if you please, of humanity and philanthropy—a noble sentiment, when directed rightly, with no sinister or party purposes; an atrocious sentiment—a detestable sentiment—or rather the abuse of it—

37. Letter to Thomas B. Stephenson, Private Correspondence, Colton, Last Seven Years of Henry Clay, pp. 493-494.

38. Poore, Perley's Reminiscences, Vol. I, p. 363.

39. He regarded the presidential office as rightfully belonging to himself. Poore writes: "Indignant at the treatment which he had received from the Whig party, he stood unsubdued, and so far from retreating from those who had deserted him, he intended to make the Taylor administration recall its pledges, break its promises, and become national, or pro-slavery Whigs." Reminiscences, Vol. I, p. 364.

40. Colton, Last Seven Years of Henry Clay, p. 133.

41. Cong. Globe, 31 Cong., 1 Sess., pp. 246-247.

when directed to the accomplishment of unworthy purposes You are in point of numbers, however, greater; and greatness and magnanimity should ever be allied In the one scale, then, we behold sentiment, sentiment alone; in the other property, and all that makes life desirable and happy.⁴² To those Southern Congressmen who brought forward the charge that the action of California was irregular and unauthorized, Clay made answer that Michigan had already established the precedent. He himself was opposed to the action of Michigan at the time, but the majority thought otherwise, and, "it must be in candor admitted by all men, that California has much more reason to do what she has done unsanctioned and unauthorized by a previous act of Congress, than Michigan had to do what she did."⁴³

The debate on the Clay compromise measures was significant. It marked the passing of the old party leaders, Calhoun, Clay, and Webster, and it brought into greater national prominence the two new Northern members of the Senate, Seward and Chase.

Clay spoke in favor of his resolution on the 5th and 6th of February, 1850. He was so feeble at the time that he could not mount the steps of the capitol without leaning upon the arm of a companion. Never, said he, had he upon any former occasion risen under feelings of such painful solicitude. Never before had he been so anxious. "Sir, at this moment we have in the legislative bodies of this Capitol, and in the Senate, twenty odd furnaces in full blast, emitting heat and passion, and intemperance, and diffusing them throughout the extent of this broad land." He implored the Senators to repress the ardor of their passions, to look to the interests of their country, and to listen to the voice of reason. He next called attention to the matters in controversy, which he thought should be settled by mutual concessions. Such an adjustment, he believed, was pointed out by his resolutions, and he proceeded to take up and explain each one in turn. In conclusion he spoke as follows: "Finally, Mr. President, and in conclusion, I implore as the best blessing which Heaven can bestow upon me, upon earth, that if the direful event

42. Cong. Globe, 31 Cong., 1 Sess., p. 246.

43. Ibid, p. 244.

of a dissolution of this Union is to happen, I shall not survive to behold the sad and heartrending spectacle.”⁴⁴

Calhoun made reply March 4. He was so ill that his speech was read for him by Senator Mason, of Virginia. Northern aggression, it set forth, had caused the strained political situation by overthrowing the equilibrium between the sections, and wealth had been transferred from the South to the North by means of the protective tariff—a view held by Calhoun since the tariff discussion of the twenties. The immigrants attracted to the Northern States had changed the character of the national government from a Federal republic to a consolidated democracy, and had begun the agitation of the slavery question. As events were moving it would not require a secession of the South to dissolve the Union. Agitation alone would dissolve it. The strongest cords that bound the sections were the religious, but they had begun to snap. The great Methodist Episcopal Church had divided; likewise the Baptist Church; and the Presbyterian Church was likely to do so if the agitation continued. It was undeniable that the Union was in danger. Neither the proposed compromise nor the executive plan could save it. As to what could be done to save it, Calhoun stated that it could only be done by conceding an equal right in the Territories to the South; by a more faithful fulfillment of the constitutional stipulations in relation to fugitive slaves; by a cessation of the slavery agitation; and by an amendment to the Constitution which would restore to the South the power she possessed of protecting herself before the equilibrium between the sections was destroyed.⁴⁵ He did not then explain the nature of this amendment, but, in a political essay, published after his death, its plan and purpose was set forth.⁴⁶

Webster made his famous effort in favor of compromise March 7. His speech opened as follows: “I wish to speak to-day, not as a Massachusetts man, nor as a Northern man, but as an American.” He spoke for the preservation of the Union. Nature had excluded slavery from the acquired territory, and “I would not take pains uselessly to reaffirm an ordinance of

44. Cong. Globe, 31 Cong., 1 Sess., Appendix, pp. 115-127.

45. Ibid, pp. 451-455.

46. Discourse on the Constitution and Government of the United States, Calhoun's Works, Vol. I, p. 392.

nature, nor to re-enact the will of God. And I would put in no Wilmot proviso, for the purpose of a taunt or a reproach." The above quotation gives the gist of the whole speech. In the matter of the rendition of fugitive slaves, Webster thought that there was justice in the complaints of the South, and that the North was in the wrong. In conclusion he called upon the Senate and the country to come into the light of day "instead of dwelling in those caverns of darkness, instead of groping with those ideas so full of all that is horrid and horrible. . . . Let us make our generation one of the strongest and brightest links in that golden chain which is destined, I fondly believe, to grapple in the people of all the States to this Constitution for ages to come."⁴⁷

Webster's speech gave offense to the more radical anti-slavery men of Massachusetts, and it alienated many of his old friends.⁴⁸ Henry Wilson declared that his speech was Southern in its tone, argument, aim, and end.⁴⁹ Bowditch, of Boston, charged that he had deceived and wheedled his best friends.⁵⁰ Giddings wrote from Ohio: "By his speech a blow was struck at freedom and the constitutional rights of the free States which no Southern man could have given,⁵¹ and it is probable that this was the feeling of a majority of the anti-slavery men at the North. Not one of the New England Whigs in Congress agreed with Webster,⁵² which was natural enough considering the stand that party had taken in regard to slavery. It was openly charged that the speech was a bold bid for Southern support for the

47. Cong. Globe, 31 Cong., 1 Sess., Appendix, pp. 269-276.

48. Sargent, *Public Men and Events*, Vol. II, p. 362; Bowditch, *Life and Correspondence of Henry Ingersoll Bowditch*, Vol. I, pp. 203-204. Bowditch wrote: "His speech was a mighty downfall for him. . . . His support of the 'Compromise Measures,' the Fugitive Slave Law, his telling us to 'conquer our prejudices,' and support all those damnable proceedings, aroused in us all the utmost distress and opposition. We were prepared to do almost anything but tamely submit to the carrying back of the slave, but we had no organization to meet such an event."

49. Wilson, *Rise and Fall of the Slave Power*, Vol. II, p. 254.

50. Bowditch wrote: "At the time of preparing for his 7th of March speech, he wrote to his intimate friend, J. T. Stevenson, Esq., to know 'how far he could go in behalf of freedom and be sustained by the North.' The reply was, 'Take the highest ground in behalf of freedom'; and when the hour for Mr. Webster to speak had arrived, Stevenson said to my brother (J. I. B.), at his office in State Street, 'Oh, how Webster is giving it now to Southern insolence.' So entirely had Webster deceived and wheedled his best friends." Bowditch, *Life and Correspondence of Henry Ingersoll Bowditch*, Vol. I, p. 203.

51. Giddings, *History of the Rebellion*, p. 324.

52. Curtis, *Life of Webster*, Vol. II.

Presidency.⁵³ Color is lent to the above charge if assertions, said to have been made by Thaddeus Stevens and Joshua R. Giddings, after the decease of Webster, are true. They claimed, it is alleged, that Webster had prepared a speech, the manuscript of which they had both read, which was a powerful vindication of Northern sentiment upon the compromise measure, especially the fugitive slave bill, but that he had later put it aside and prepared the one delivered. Still, the same author, who reported the above, tells us that Webster was reported, by Theodore Parker, as having said to a fellow Senator on the morning of March 7: "I have my doubts that the speech I am going to make will ruin me."⁵⁴

In his speech of March 11, 1850, Seward put himself on record as opposed to all compromise with the South. He declared that the Wilmot Proviso was necessary for the exclusion of slavery from New Mexico and California, and denied that the Constitution recognized chattel slavery. In regard to the fugitive slave question, he said: "I say to the slave States, you are entitled to no more stringent laws, and that such laws would be useless." During this speech he announced his famous "Higher Law" doctrine, which became the slogan of the anti-slavery people later on. "We hold," he said, "no arbitrary authority over anything, whether acquired lawfully or seized by usurpation. The Constitution regulates our stewardship; the Constitution devotes the domain to union, to justice, to defense, to welfare, and to liberty. But there is a higher law than the Constitution, which regulates our authority over the domain, and devotes it to the same noble purposes."⁵⁵

Chase, on March 26 and 27, maintained that it was the duty of Congress not to interfere with slavery in the States where it already existed, but to prohibit its spread to the Territories. As to chattel slavery, he agreed with Seward that the Constitution of the United States did not recognize it, and he declared that the Federal ratio explained the attachment of the South to the

53. Bowditch, *Life and Correspondence of Henry Ingersoll Bowditch*, Vol. I, p. 203.

54. Poore, *Perley's Reminiscences*, Vol. I, p. 365. The best defense of Webster is to be found in Rhodes, *History of the United States*, Vol. I, pp. 157-161.

55. *Cong. Globe*, 31 Cong., 1 Sess., Appendix, pp. 262-269.

institution.⁵⁶ This speech is of interest because of the fact that it expressed the sentiments of the anti-slavery men of Ohio.

Seward and Chase had stated the position of the younger group of statesmen who were rapidly coming into prominence at the North; during the same debate Jefferson Davis advanced the views of the Calhoun followers among the rising group of young statesmen at the South. Davis had entered the Senate from Mississippi soon after the Mexican war, in which he had served with distinction, and, after the death of Calhoun, March 31, 1850, he aspired to the leadership of the South.⁵⁷ In a speech, during the debate above referred to, he announced his position. To quote Mr. Rhodes, he "translated into action the logic of his master," Mr. Calhoun. What Davis preferred above all was non-intervention of Congress in the Territories, but, in default of that, he would agree to the extension of the Missouri Compromise line of 36° 30' to the Pacific,⁵⁸—a method of settlement which we remember President Polk and others had advocated at the time of the Oregon controversy. Davis claimed that he did not urge the matter because of any inherent fitness in that line, but, because it had acquired, in the public mind, a prescriptive respect which it seemed unwise to disregard.⁵⁹

After the introduction of Clay's resolutions there was a steadily growing sentiment in favor of compromise among the more moderate members of Congress. On motion of Senator Foote, of Mississippi, February 25, 1850, it was decided "To refer to a select committee of six members from the North, and six members from the South, and one member to be by them chosen, with instructions to exert themselves for the purpose of maturing a scheme of compromise for the adjustment of all the pending questions growing out of the institution of slavery, and to report by bill or otherwise."⁶⁰ To this committee Clay's resolutions were referred on April 18.⁶¹ Bills were reported, May 8,

56. Cong. Globe, 31 Cong., 1 Sess., Appendix, pp. 468-480.

57. Poore, *Perley's Reminiscences*, Vol. I, p. 366; Blaine, *Twenty Years of Congress*, Vol. I, p. 89.

58. Cong. Globe, 31 Cong., 1 Sess., pp. 149-154, 286-287.

59. Jefferson Davis, *Ex-President of the Confederate States, a Memoir by His Wife*, Vol. I, p. 443.

60. The motion was made February 21, but it was not passed until the 25th. Cong. Globe, 31 Cong. 1 Sess., pp. 418-421.

61. The committee consisted of Clay, as chairman, Senators Webster, Phelps, Cooper, Whigs; and Cass, Bright, Democrats, from free States; King, Downs, Democrats; and Mangum, Bell and Berrien, Whigs, from slave States.

which contained in substance about all that Clay desired. The first of these, nicknamed the "Omnibus" bill, provided for the admission of California, for the organization of Utah and New Mexico, and for an offer to the State of Texas to fix its boundaries so as not to include what had been claimed of New Mexico, and for the payment of a sum of money by the United States. Others provided for the suppression of the slave trade in the District of Columbia, and for an amendment to a Senate bill providing for the more effective return of fugitive slaves.⁶²

The Omnibus bill was debated in the Senate until August. It was opposed by the administration through its newspapers, through declarations of the Cabinet members, and the unreserved expressions of the President.⁶³ It was opposed by the Northern Whigs and Free-Soilers, who thought it surrendered too much to the slave power; and by extreme Southern Democrats, who considered it a complete surrender of the slaveholder's right to hold his property in slaves wherever he might choose to settle. By August 1, it was so amended that very little of the original bill remained.⁶⁴

Between June and August, 1850, two events took place that prepared, to a greater extent than any of the other influences that were at work, the way for compromise. The first was the convention of delegates from nine of the Southern States that met at Nashville, Tennessee, June 3, 1850.⁶⁵ No action of any lasting importance resulted, but the spirit that caused its assembling alarmed moderate men in both sections, and made them desire a settlement. The second was the elevation of Fillmore to the Presidency; General Taylor having died on July 9.⁶⁶ The succession of Fillmore put an end to Seward's influence.⁶⁷ Presi-

62. Report of Committee, No. 123 (Senate), 31 Cong., 1 Sess.

63. Blaine, *Twenty Years of Congress*, Vol. I, pp. 94-95.

64. *Cong. Globe*, 31 Cong., 1 Sess., p. 1504.

65. Benton, *Thirty Years' View*, Vol. II, pp. 780-785; Rhodes, *History of the United States*, Vol. I, pp. 173-174.

66. Poore, *Perley's Reminiscences*, Vol. 1, p. 384; Blaine, *Twenty Years of Congress*, Vol. I, p. 95; Hilliard, *Politics and Pen Pictures*, p. 231. Hilliard states that he had a conversation with Webster in the rotunda of the Capitol, a few days after President Taylor's funeral, and that Webster said to him: "Mr. Hilliard, if General Taylor had lived, we should have had civil war."

67. "The unexpected death of General Taylor was an element with which even Mr. Seward had never taken into account, and the first consequence was undisguised confusion among the supporters of the administration. The members of the Cabinet promptly tendered their resignations, and it was plainly visible that the sudden removal of the President had checkmated the plans so carefully made, and forced the chief player to feel the bitterness of political death." Poore, *Perley's Reminiscences*, Vol. I, p. 381.

dent Taylor's Cabinet members immediately resigned, Webster was made Secretary of State, and he used the power and influence of his office to bring about the acceptance of the compromise measures.⁶⁸

President Fillmore sent a special message to Congress, August 6, 1850, accompanied by a letter from the Governor of Texas, which stated that Texas was about to take armed possession of the disputed territory of New Mexico. He called attention to the urgent necessity of settling the boundary question before the end of the session.⁶⁹ Both Houses took up the matter in earnest, and before the end of September the various measures, including the Omnibus bill, became laws.⁷⁰ They were passed in most cases by decisive majorities.

68. Sargent, *Public Men and Events*, Vol. II, p. 372; Poore, *Perley's Reminiscences*, Vol. I, pp. 381-382.

69. Richardson, *Messages and Papers*, Vol. V, pp. 67-73.

70. Bills for admitting California, and for organizing New Mexico, and settling the Texas claim, on September 9; the Utah bill, September 16; the Fugitive Slave Act, September 18; and the bill concerning the slave trade in the District of Columbia, September 20. See *Acts of Congress*, 31 Cong., 1 Sess., pp. 43, 51, 52, 64, 71.

CHAPTER IV.

THE FIRST SESSION OF THE NASHVILLE CONVENTION.

Calhoun seized upon the occasion offered by the controversy over slavery expansion in order to further his plan of coöperation upon the part of the Southern States. To the casual observer of events at the time, his influence was not readily discernible because it was exerted behind the direct gaze of the public, while he kept his own personality very much in the background.¹ As we have already seen, he kept in close touch with his followers, men of influence scattered throughout the South, by means of correspondence; and they, in turn, spread his teachings and carried on a campaign for the purpose of educating the public mind to the necessity of united action against Northern aggression.² The result was the assembling of the Nashville Convention, which, as pointed out in the foregoing chapter, was one of the influences that finally brought about the passage of the compromise measures. Public ignorance of the object of this convention led to exaggerated rumors that the Southern delegates were assembled for the purpose of dissolving the Union, and moderate men, North and South, exerted their utmost influence in favor of a sectional settlement. The Nashville Convention effected the territorial struggle by reason of its portent; as a means of uniting the South it proved a total failure.

Calhoun's public career is interesting. In the period immediately following the war of 1812, he had been an ardent nationalist,³ but a transition to strict State sovereignty views took place at the time of Southern complaints against the protective tariff legislation of the late twenties. In his new role he taught the philosophy and supplied the arguments for ambitious followers,

1. "I want no reward, no prominence, or even distinction. If the thing is done, I am satisfied, let it be done by whom it may." Calhoun to James H. Hammond. Calhoun Correspondence, p. 779.

2. See Chapter II, pp. 32-34.

3. See his speech on internal improvements, delivered in the House of Representatives, February 4, 1817. *Annals of Cong.*, 1816-1817, 14 Cong., 2 Sess., pp. 851-870.

some of whom were willing to take a step in advance of their leader and force the sectional issues to the arbitrament of arms.⁴ While Vice-President he protested against the protective tariff principle through the Legislature of South Carolina, in 1828, when that State adopted his Exposition and Protest, that formed the immediate basis for Nullification in 1832. The arguments advanced by Hayne in his famous debate with Webster, in 1830, mark the former as a disciple of Calhoun. At this time Calhoun was ostensibly opposing protective tariff legislation, but in reality he was looking far beyond that measure. With prophetic vision he saw that the time was coming when the South would have no control over national legislation, owing to the more rapid growth of the North. In order to conserve the power of the slaveholding section in Congress, he set himself to the task of devising some plan whereby it might be accomplished without endangering the Union of the States. In the seclusion of his study he matured a philosophical theory of government⁵ that, in his opinion, would produce the desired result if put into practice. It required united action upon the part of the South for its accomplishment, and in order to gain the desired unity he regarded a convention of the Southern States as indispensable.⁶ Once decided upon this plan, he bent every energy to its accomplishment, it was the absorbing purpose of his conscious hours,⁷ and it furnishes us with a key by means of which we are enabled to interpret his Senate resolutions of February 19, 1847, and the Address to the South, not to mention his speeches in and out of

4. Calhoun did not advocate actual secession, except as a last resort, the necessity for which he could never bring himself to acknowledge until he was on his deathbed. Even then he did not mention the word. A few days before his death he dictated a series of resolutions to Joseph A. Scoville, the following one of which seems to suggest it: "Resolved, That the time has arrived when the said States owe it to themselves and the other States comprising the Union to settle fully and forever all the questions at issue between them." Calhoun Correspondence, p. 787.

5. See his Discourse on the Constitution and Government of the United States, Calhoun's Works, Vol. I.

6. "I see no hope of bringing the North to a sense of justice but by our united action, and for that purpose a convention of the South is indispensable. To that point our efforts should be directed. The first step towards it is to put an end to the old party divisions, which might be effected by an understanding between a few prominent leaders on both sides, and short and well-written articles through the leading presses of both parties, showing the folly and danger of continuing our party warfare when our existence is at stake." To Andrew Pickens Calhoun, July 24, 1849. Calhoun Correspondence, p. 769.

7. . . . "he was unfortunate in always having the great powers of his mind concentrated on one subject at a time." B. F. Perry's Reminiscences, p. 47.

Congress during the period 1847-1850. His correspondence was directed to the same end, and he had not lacked the coöperation of a sympathetic press.⁸ An important part of his program was the establishment of the Southern Press at Washington in 1850,—a newspaper project made possible by a sum of \$30,000, donated by the signers of the Southern Address and their adherents.⁹ From the first he had realized the necessity of some burning issue to serve as the basis for Southern union. By the year 1833 he clearly saw that the South could never be united sufficiently on the tariff, and, the slavery question becoming of national importance, he shifted to it about the year 1835.¹⁰

Calhoun recommended, April 13, 1849, that a States Rights Convention, about to assemble at Columbia, South Carolina, adopt measures to prepare the way for a convention of the Southern States;¹¹ but his native State never issued the call, probably on account of the recollections of the odium that it had incurred by reason of the Nullification episode. Later on he had hopes that Alabama could be induced to act, and Atlanta, Georgia, was suggested as being a good place for the meeting.¹² His efforts were not wasted, however, for initial action towards the fulfillment of his plans was taken by the State of Mississippi. The appeal to the South, through the address issued by the Southern Congressmen, in January, 1849, aroused the people of that State.¹³ In May of that same year, a meeting of the citizens of the city of Jackson, issued a call to the people, requesting them to elect delegates to a State convention, to be held

8. In a letter to Andrew Pickens Calhoun, July 24, 1849, Calhoun mentions an article of his that would be published "in all our papers." Calhoun Correspondence, p. 769.

9. Benton, *Thirty Years' View*, Vol. II, p. 781; also see Calhoun's letters to Duff Green, March, 1847, for his earlier interest in the establishment of such a newspaper. Calhoun Correspondence, pp. 718, 722.

10. Benton states that Calhoun told his South Carolina friends, after his return from Congress, in 1833, "That the South could never be united against the North on the tariff question—that the sugar interests of Louisiana would keep her out—and that the basis of Southern union must be shifted to the slave question." This policy was formally inaugurated by him in 1835. Benton, *Thirty Years' View*, Vol. II, p. 786. Calhoun wrote to James Edward Calhoun, September 23, 1835: "I see my way clearly on the slave question, and I do not fear an entire triumph on our own conditions; to be followed by unbounded prosperity in the South and a universal rise in prosperity of every kind." Calhoun Correspondence, p. 346.

11. Calhoun to J. H. Means, April 13, 1849, Calhoun Correspondence, p. 766.

12. Calhoun to Andrew Pickens Calhoun. July 24, 1849, *Ibid*, p. 769.

13. *Weekly National Intelligencer*, February 2, 1850.

the following October, for the purpose of considering the threatening relations between the North and the South.¹⁴ It is significant that the proceedings of this meeting were sent to Calhoun, and that he was requested to advise the people of Mississippi with regard to the proper course for them to pursue at the October convention.¹⁵ His reply, addressed to Colonel G. S. Tarpley, and bearing date of July 9, 1849, stated that, in his opinion, a Southern convention was all that could save them, and that could not if much longer delayed. By reason of after developments, the great object of a Southern convention can best be given in Calhoun's own words. It was, said he, "to put forth in a solemn manner the causes of our grievances in an address to the other States, and to admonish them, in a solemn manner, as to the consequences which must follow, if they should not be redressed, and to take measures preparatory to it, in case they should not be. The call should be addressed to all those who are desirous to save the Union and our institutions, and who, in the alternative, should it be forced on us, of submission or dissolving the partnership, would prefer the latter."

All movements, he continued, should look forward to a convention, and "For that purpose, every Southern State ought to be organized with a central committee, and one in each county. Ours is already.¹⁶ It is indispensable to produce concert and prompt action. In the meantime, firm and resolute resolutions ought to be adopted by yours and such meetings as may take place before the assembling of the Legislature in the fall. They, when they meet, ought to take up the subject in the most solemn and impressive manner." Mississippi was advised to take the lead.¹⁷

14. Cong. Globe, 32 Cong., 1 Sess., Appendix, p. 174; Garner, *The First Struggle Over Secession in Mississippi*, Pubg. Miss. Hist. Soc., Vol X, p. 90.

15. For the letter to Calhoun see Foote's speech, Cong. Globe, 32 Cong., 1 Sess., Appendix, p. 52.

16. It appears that the organization of South Carolina along the above-mentioned lines was owing to Calhoun's suggestion. In a letter to John H. Means, April 13, 1849, advising the latter as to what action a States Rights convention should take towards bringing about a Southern convention, he wrote: "It seems to me . . . that the organization of our own and the other Southern States is an indispensable step, and for that and other purposes there ought to be an able committee appointed, having its center in Charleston, or Columbia, and vested with power to take such steps as may be deemed necessary." Calhoun Correspondence, p. 766.

17. Cong. Globe, 32 Cong., 1 Sess., Appendix, p. 282; *Daily National Intelligencer*, June 4, 1850.

How faithfully Calhoun's suggestions were carried out the following extract from a speech delivered in the United States Senate, March 9, 1852, by Senator Wilcox, of Mississippi, shows: "The convention was held in October, as he advised. Mississippi took the lead. A central committee was organized, and an effort made to appoint them in the counties. Firm and resolute resolutions were adopted by the October convention. The Legislature took up the subject in the most solemn and impressive manner. It reserved in the treasury the sum of \$220,000, to enable the Nashville Convention to take the necessary steps spoken of by Mr. Calhoun."¹⁸

Nor was the Tarpley letter the only means employed by Calhoun to influence the action of the State convention in Mississippi. He approached Senator Henry S. Foote in the matter and not without success, for on September 25, 1849, the latter wrote him that several leading gentlemen of both the two great political parties had promised him to act upon the Calhoun suggestion, relative to a Southern convention, at the approaching State convention.¹⁹ The movement was general in Mississippi, both Whigs and Democrats giving it their support. One of its leading spirits was William L. Sharkey, a Whig, and a strong Union man.²⁰ So deeply was the public mind stirred with a sense of impending danger that party lines were for the time forgotten.

The State convention met on the first Monday in October, 1849, and called a general convention of the slaveholding States to meet at Nashville, Tennessee, on the first Monday in June, 1850.²¹ Some of the delegates favored Washington as the place of meeting, but Nashville was finally decided upon as being more central in location. Mississippi was to be represented by twelve delegates, six each from the Whig and Democratic par-

18. Cong. Globe, 32 Cong., 1 Sess., Appendix, p. 282.

19. Calhoun Correspondence, pp. 1204-1206.

20. "Two of your letters to General Foote were enclosed to me, to be read according to my discretion, on the question of the crisis. That suggesting a Southern convention was shown by me to our mutual friends, Ch. Justice Sharkey and Judge Clifton, who, although Whigs, are well up to Southern rights. We adopted the idea with ardor, but all concurred in opinion that if we should proceed on a course recommended from South Carolina we should fail." A. Hutchinson to Calhoun, October 5, 1849. Calhoun Correspondence, p. 1206.

21. Weekly National Intelligencer, February 2, 1850.

ties.²² The State Legislature, by resolution, January, 1850, adopted the proceedings of the Jackson meeting and October convention, and issued the call to the States.²³

Concerning the calling of the Nashville Convention, and in reference to the part played by Calhoun, Benton wrote: "That convention was called—the same which had been designated in the first manifesto, entitled *The Crisis*, published in the *Charleston Mercury* in 1835, and what had been repulsed from Nashville in 1844. Fifteen years of assiduous labor produced what could not be started in 1835, and what had been repulsed in 1844."²⁴ Benton is right, Calhoun had labored for a convention for several years, but it appears that he, as well as most others, did not understand Calhoun's object in having the convention meet. We give a few opinions. A *Wilmington, North Carolina*, newspaper, in discussing the convention, expressed the hope that there would be no more barren addresses, and declared the remedy for Southern ills to be a Confederacy, with a capital at Asheville, or somewhere else on the mountains where the lines of Georgia, South Carolina, North Carolina, Tennessee and Virginia meet.²⁵ The *South Carolinian* stated that "the organization of a presidential party and the adoption of a candidate is to be considered an appropriate end and summary of the deliberations of the convention"; and the *Tennessee* newspaper that quoted the above extract added, by way of comment, that the object was to make Mr. Calhoun the head of such a party, and it asked if Tennessee was prepared "to hitch herself to that set trampled under foot by General Jackson."²⁶ Another *Tennessee* paper made the conservative and more correct statement that the delegates "were expected to meet together, to consult, to deliberate, to reason, and to recommend the wisest measures for preserving the Union, and at the same time protecting their rights against further encroachments."²⁷ Meanwhile, Calhoun, who of all others was best qualified to explain what course of action the convention should follow, preserved his usual silence,

22. A. Hutchinson to Calhoun, *Calhoun Correspondence*, p. 1206.

23. *Laws of Mississippi*, 1850, pp. 521-526.

24. Benton, *Thirty Years' View*, Vol. II, p. 781.

25. Quoted in the *Weekly National Intelligencer*, February 2, 1850.

26. *Republican Banner and Nashville Whig*, February 9, 1849.

27. *The Daily Union*, December 22, 1849.

in so far as the general public was concerned, and made the best of every opportunity to insure full delegations at Nashville.²⁸

South Carolina, as was to be expected, received the Mississippi call with feelings of great satisfaction, and proceeded at once to the election of delegates. Georgia and Alabama did the same. A committee of the Virginia Legislature expressed a favorable sentiment, and the House of Delegates of Maryland, by a unanimous vote, expressed a willingness to be represented at Nashville.²⁹ But these first manifestations by no means indicated public sentiment, except in South Carolina and in Mississippi. The action of the Alabama Legislature, in passing the people by in the matter, brought forth strong condemnation from the press of the State.³⁰ The newspapers of Virginia, of both political parties, failed to endorse the action of the legislative committee; and the region beyond the mountains, or which is now West Virginia, was decidedly hostile to the convention, thereby giving an indication of that spirit that was to bring about the separation of that section at the time of the war. From Baltimore, the commercial center of Maryland, a voice was raised in protest against the action of the House of Delegates, and Kentucky and North Carolina frowned upon all movements looking toward disunion.³¹ Louisiana flatly refused to appoint delegates.³² In Tennessee, party lines were well drawn in relation to the matter, the Whigs acknowledging no necessity for a convention, while it received the support of the Democrats.³³ The Legislature of the State refused to take any action whatever.³⁴

It was clearly evident that the whole movement lacked the popular enthusiasm that was necessary to insure its success. The *Wilmington Chronicle* stated that out of sixty exchanges, published in the slaveholding States, from Maryland to Louisiana, only fifteen, or one-fourth, took decided ground in favor of the convention. The rest were either strongly opposed to it, in doubt as to its utility, or silent on the subject.³⁵ Charleston

28. He was busily engaged in influencing Southern Congressmen to give their aid for the success of the convention. Calhoun Correspondence, pp. 778-779.

29. *Weekly National Intelligencer*, February 2, 1850.

30. *Republican Banner and Nashville Whig*, February 2, 1850.

31. *Ibid.*, February 12, 1850—Quotes from Southern newspapers and comments upon public opinion in the South.

32. *Ibid.*, March 1, 1850.

33. *Ibid.*, February 21, 1850.

34. *Ibid.*, February 14, 1850.

35. Quoted in *Ibid.*, March 22, 1850; Rhodes, Vol. I, p. 174.

and Columbia, South Carolina, and Jackson, Mississippi, were the centers of the agitation in favor.³⁶ Several of the delegates elect in Georgia absolutely refused to serve. Delegates appointed in other Southern States, having high hopes of the matters in controversy being peaceably settled by a compromise, declined going to Nashville; and, as the time set for the assembling of the convention drew near, it was seen that not one-half of the Southern population would be represented there.³⁷

Representatives from nine of the fifteen slave States assembled at Nashville, June 3, 1850, but it is clear from the numbers that few of the States sent full delegations. There were twenty-two from Alabama, seventeen from South Carolina, twelve from Mississippi, eleven from Georgia; from Virginia, Florida, and Arkansas, six, four, and three, respectively; Texas stood at the bottom of the list with a single delegate; and one hundred were present from Tennessee,³⁸ but the greater part of the latter must have held their seats by courtesy. The members first convened in Odd Fellows Hall, but that proving too small for the accommodation of spectators, the convention adjourned to the McKendree Church, the most spacious building in the city. In seating the delegates, the two places of honor, the front pews on each side of the president's chair, were given to South Carolina and Mississippi,—altogether, a proper recognition of their services in bringing about the gathering. In front of the pulpit, and inside the chancel railing, tables were placed for the accommodation of reporters. The pews in the side aisles were reserved for ladies, and the galleries for other spectators.³⁹

The convention was a gathering of able men, many of whom were distinguished.⁴⁰ It was not an assemblage of young politicians, but of gray-haired Governors, Judges, ex-members of Congress, jurists, and orators of prominence.⁴¹ Mississippi sent Judge William L. Sharkey, one of the ablest jurists the Southwest ever produced, a Whig in politics, and a man who greatly loved the Union. As president of the convention, he did much

36. *Daily National Intelligencer*, May 31, 1850.

37. *Ibid*, June 1, 1850.

38. *Journal of the Convention*, pp. 25-29.

39. Ingraham, *The Sunny South*, pp. 131, 135.

40. *Nashville Daily Gazette*, June 4, 1850.

41. Ingraham, *The Sunny South*, pp. 135-136.

to prevent any rash and hasty action.⁴² With the possible exception of Mississippi, the most talented delegation present was the one from South Carolina. It contained Langdon Cheves, R. W. Barnwell, J. H. Hammond, Maxey Gregg, and the ardent secessionist, R. Barnwell Rhett.⁴³ Writing of Rhett, Mr. Phelan, the historian of Tennessee, states that the well-known Union sentiments of Judge Sharkey were more than counterbalanced in the public mind by his presence in the convention.⁴⁴ The most ultra delegation in attendance was the one from Virginia, and one of its members, Beverly Tucker, a half-brother of John Randolph, of Roanoke, made the only speech during the nine-day session that was in any ways bitter against the North. For the most part, the deliberations were marked by forbearance in this respect, and there was almost a total lack of vituperation. The North was generally referred to as "our Northern brethren," or "our sister States."⁴⁵

Judge Sharkey, upon taking the president's chair, made a short speech that expressed clearly the views of Southern moderates, to which class a majority of the members belonged. After a brief allusion to the causes that had brought them together, he stated that the purpose of the convention was not merely to devise measures to protect the rights and property of the Southern States, but to preserve the government that had been handed down to them untarnished. It had not been called to subvert, but to perpetuate the Union. In concluding his remarks, his strong Union sympathies were expressed in the hope that it might be the last thing to perish among the universal wreck of matter.⁴⁶ By way of contrasting these moderate sentiments with the views of the radicals, we give the substance of a speech delivered by that arch secessionist, Beverly Tucker,⁴⁷ of Virginia. He unhesitatingly declared for the formation of a Southern Confederacy, and sought to win over those who hesi-

42. Foote, Bench and Bar of the South and Southwest, pp. 63-64; Lynch, Bench and Bar of Mississippi, pp. 189-198.

43. Journal of the Convention, p. 25.

44. Phelan, History of Tennessee, p. 134.

45. Ingraham, The Sunny South, p. 134.

46. Journal of the Convention, p. 23.

47. Alluding to the Union in a letter to William Gilmore Simms, February 14, 1851, Tucker wrote: . . . "I will never give rest to my eyes, nor slumber to my eyelids, until it is shattered into fragments. I strove for it in '33: I strove for it in '50, and I will strive for it while I live, and leave the accomplishment to my boys." Trent, William Gilmore Simms, pp. 183-184.

tated, for fear that such a proceeding would lead to a conflict of arms with the North, by declaring that cotton formed such a strong bond of interest with England that that country would never permit the North to resort to coercive measures. If only five States of the lower South participated in the movement, the same result would follow, and soon after the border States, Pennsylvania, and the West, would be compelled, by sheer force of interests, to throw in their lot with the Confederacy. Then New England, the cause of all their grievances, would be isolated, and without power.⁴⁸ Even if other members were inclined towards Mr. Tucker's extreme views, none ventured to express themselves in set speeches, and the proceedings of the convention were guided by men holding moderate views.

The principal work of the convention was the adoption of twenty-eight resolutions that did nothing more than group and set forth in concise form the whole range of Southern grievances. Equal rights in the Territories were demanded, and it was asserted that Congress had no power to exclude therefrom property held in any of the States of the Union. Moreover, it was the duty of Congress to provide the inhabitants there with governments other than the military and foreign organizations then in force, which did not give constitutional rights to the people. Resolution five was one of the few of the series that had a distinct radical flavor. It declared that the slaveholding States could not, and would not, submit to the enactment by Congress of any law imposing onerous conditions upon the rights of slave masters to remove with their property to the Territories, or of laws discriminating in favor of proprietors of other forms of property against them. It was expressly set forth that if the Federal Government performed its duty, and recognized the rights of the slave States, it would do much to restore peace and allay excitement.

The prominence given Texas shows that Congressional intentions in relation thereto was one of the chief causes for grievance. It was asserted that the principle of equal State rights would deprive the question between Texas and the United States of its sectional character, and lead to adjustment without national prejudice. The true boundaries of the State were defined as in

48. *Southern Quarterly Review*, Vol. II, pp. 218-223.

the treaty of May 14, 1836, when its independance was acknowledged by Mexico. Since Texas was slaveholding, it was the duty of the South not to see any part of its territory transferred to the Federal Government without a formal declaration that the same should remain slave territory; and it was also its duty to oppose the attempts of Northern fanatics to get possession of any portion of its soil south of $36^{\circ} 31'$ for free labor. As if the above were not sufficient for the purpose at hand, it was stated that no agreement between the United States and Texas, for a cession of soil, could discharge the Government of its former obligation to admit four new slave States, to be formed out of Texas territory.

The acquisition of territory, it was declared, added nothing to the legislative power of the Government, which was derived from the Constitution, and could not be increased or diminished, except by amendment. Slavery existed in the United States independently of the Constitution, and Congress had no power either to create or to destroy it. The Wilmot Proviso was degrading to the South. In case the dominant majority in the National Government should refuse to recognize the great constitutional rights asserted in the resolutions, the division line of $36^{\circ} 30'$ in the territories was demanded. A protest was registered against the reception of Abolitionists' petitions at Washington, and Congress was reminded of its duty to provide for the more effective rendition of fugitive slaves in accordance with the provisions of the Act of 1793. Since the delegates could not conclude that Congress would adjourn without an adjustment of the sectional questions, they expressed themselves as not at liberty to bring dishonor upon the Southern States by discussing measures of resistance to measures not yet adopted. In order to await the results of the deliberations at Washington, the last resolution provided that when the convention adjourned "it adjourned to meet at Nashville, in the State of Tennessee, the 6th Monday after the adjournment of the present session of Congress, and that the Southern States be recommended to fill their delegations forthwith."⁴⁹ The truth is, there was no legislation to form a basis for resistance, and the moderate majority may have thought to dispose of the whole matter by delaying

49. For the resolutions see the *Journal of the Convention*, pp. 3-8.

action until after a compromise had been accepted by Congress.

One other proceeding of the convention, the address to the people of the South,⁵⁰ is yet to be considered. It was written by R. Barnwell Rhett, of South Carolina.⁵¹ While more emphatic than the resolutions adopted, it was not especially radical or anti-Union in tone. Its consideration brought out the most animated debate of the session. Ultra Southern speeches were made by Walter F. Colquitt, of Georgia, who, after professing great love for the Union, said he would advise the Southern States to be moulding bullets, casting cannon, and filling arsenals, in order to defend their rights, and by Beverly Tucker, of Virginia. Rash proposals were condemned by Judge Hunter, of Virginia, and General Pillow, of Tennessee.⁵² Throughout this and the other proceedings, the members of the South Carolina delegation spoke little, and gave the lead to others⁵³—an attitude upon the part of the delegates that characterized the attitude of the State during the course of the struggle over slavery in the Territories. The address was adopted unanimously by vote of the States, but Messrs. Davis, Abercrombie, Murphy, Judge Byrd, and Hunter, of Alabama; Gholson, of Virginia; Foreman, of Florida; and Sharkey, of Mississippi, voted against it.⁵⁴ Judge Sharkey also strongly condemned the measure in a speech to the convention.⁵⁵ A minority report, signed by A. O. P. Nicholson and Aaron V. Brown, of Tennessee; William M. Murphy, of Alabama; Arthur J. Foreman, of Florida; and Samuel C. Roane, of Arkansas, members of the committee on resolutions, concurred in recommending the resolutions to the convention, but dissented from the majority opinion in regard to the address, upon the ground that their rightful duties had been performed in accordance with their instructions by preparing and recommending the resolutions, that had previously been reported.⁵⁶

50. Entitled "An Address to the People of Maryland, Virginia, North Carolina, South Carolina, Georgia, Florida, Alabama, Tennessee, Kentucky, Louisiana, Texas, Missouri, Mississippi and Arkansas, by the Nashville Convention."

51. B. F. Perry's *Reminiscences*, p. 134; Du Bose, *Life of Yancey*, p. 247; Phelan, *History of Tennessee*, p. 434.

52. *Daily National Intelligencer*, June 11 and 12, 1850.

53. *Ingraham, The Sunny South*, p. 132.

54. *Daily National Intelligencer*, June 12, 1850.

55. *Southern Quarterly Review*, Vol. II, pp. 224-225.

56. *Journal of the Convention*, p. 21.

The address was merely a restatement of the Southern position, as previously set forth by Calhoun in his speeches and resolutions, but lacking in the orderly and logical arrangement of the latter. The gist of the whole argument was that the agitation against the institution of slavery, having once entered the public mind in the free States, and reinforced by religious enthusiasm as it was, would soon sweep it from the broad and fertile South, unless checked. Already the pro-slavery section had lost much of its former power, the majority against it in Congress was greater than ever before, and the prospect of the early admission of several new Northern States promised to make its position in the Union worse still. The ballot-box was powerless for their protection, and in the recent action of the free States, with few exceptions, there was no proof of a returning sense of justice. An attempt was made to show that the proposed compromise measures were inconsistent with Southern rights, and unworthy of their acceptance, since all of the concessions were in favor of the North. The whole situation called for action looking towards the relief of the minority, but since they would be in doubt as to what Congress would do until it adjourned, it was necessary for the convention to hold another session, and the address closed by recommending and exhorting the people of every Southern State to send delegates from every district, to meet at Nashville when they reassembled. The Constitution and the Union it created were to be preserved, and their liberties and institutions maintained.⁵⁷ This address was clearly a measure to prepare the way, by arousing public opinion in the South, for accomplishing at the second session what the first had failed to do: namely, the union of the South.

As a means of uniting the South, the Nashville convention had been a failure. Only nine of the Southern States were represented; and, when we consider that the basis for representation was the same as that adopted for the selection of delegates to nominate presidential candidates, it is seen that several of these sent so few delegates that we can safely conclude that they did not take any great interest in the convention. The death of Calhoun, in March preceding the meeting of the delegates, deprived the South of a leader, but had he been present to influence

57. Journal of the Convention, pp. 9-21.

proceedings, we have no reason to suppose that the result would have been otherwise than it was. Throughout, he had reckoned without the masses, whose support is necessary for the success of any great movement of the kind; in other words, his campaign of education had effected only the leaders of the Southern rights movement. The people were either opposed or indifferent to his plans, and it took ten more years of agitation to arouse them to the point of open resistance. His Southern party project was twice brought up during the last day of the session by Andrew H. Dawson, of Georgia, who, first at the morning session, and again in the afternoon, offered a resolution advising the formation of all parties in the South into a new party, to be called the "Southern Republican Party," with the motto "The Union of the South for the Sake of the Union." At the morning session it was objected to, and withdrawn; in the afternoon it was laid on the table without debate.⁵⁸

The question, What did Calhoun hope to accomplish by a union of the South? now comes before us. We might say that he was intent upon preserving Southern interests, but such a statement would not be specific enough. In his letter to an Alabama legislator he had written of the convention: "Let that be called, and let it adopt measures to bring about the co-operation, and I would underwrite for the rest."⁵⁹ What was "the rest" to which he referred? The same letter partly explains. By bringing about united action upon the part of the Southern States, he hoped to impose commercial restrictions upon the North. By leaving the Mississippi River open to Western trade, he hoped to win that section from its commercial and political alliance with the Northeastern States. The South and West combined could guarantee those steps that he mentioned as being necessary for the preservation of the Union in his speech on the Compromise measures of 1850, the most important of which was the amendment to the Constitution.⁶⁰ His discourse on government informs us of the nature of this amendment, which provided for two Presidents for the country, one chosen by the North, and one by the South, and requiring each to approve all

58. Republican Banner and Nashville Whig, June 13, 1850.

59. See Chapter I, pp. 13-14.

60. See Chapter III, p. 53.

acts of Congress before they became laws.⁶¹ Calhoun's object was to apply to the nation the experience of South Carolina in conserving the power of the minority, in the slavery employing counties of the lowlands, against the free majority, in the interior counties of the State. Upon this matter, Professor Turner wrote as follows: "In 1794 it was claimed by the up-country leaders that four-fifths of the people were governed by one-fifth. Nor was the difficulty met until the constitutional amendment of 1808, the effect of which was to give the control of the Senate to the lower section, and of the House of Representatives to the upper section, thus providing a mutual veto. This South Carolina experience furnished the historical basis for Calhoun's argument for nullification, and for the political philosophy underlying his theory of the 'concurrent majority'."⁶²

61. Discourse on the Constitution and Government of the United States, Calhoun's Works, Vol. I, p. 392.

62. Turner, The Old West, p. 227.

CHAPTER V.

THE COMPROMISE QUESTION BEFORE THE COUNTRY.

So far as Congress was concerned, the territorial and other troublesome questions of the time had been settled by the adoption of the compromise measures, but it remains to be seen how the adjustment was viewed in the country at large. It was evident from the first that radicals in both sections would be dissatisfied with the settlement. Even before the adjournment of Congress, an indication of what was to be expected from Southern extremists was manifested by the action of several Southern Senators, who, after ineffectually seeking to bring about the acceptance of an extension of the Missouri Compromise line of 36° 30' to the Pacific, united in an unsuccessful attempt to enter a solemn protest against the admission of California upon the Journal of the Senate.¹ But such views upon the part of Jefferson Davis and his followers did not find an echo in the prevailing sentiment at Washington. President Fillmore and Secretary of State Webster were enthusiastically serenaded by the Union members of the House of Representatives,² and news of the passage of the several acts of compromise was received with demonstrations of great joy in the city.³ In how far the sentiments expressed at Washington indicated the sentiments of the whole country, an inquiry into the state of the public mind in the Northern and Southern sections will disclose.

To repeat, it goes without saying that the Congressional adjustment would not satisfy the radicals in either section. Garrison spoke for the Abolitionists when he declared that "The time has come to preach disunion on the highest moral and religious grounds. The Constitution of the United States is a covenant with death and an agreement with hell."⁴ Many of his followers actually petitioned Congress for a dissolution of the Union.⁵ They were especially indignant at the passage of

1. Senate Journal, 31 Cong., 1 Sess., pp. 558, 561.

2. Poore, *Perley's Reminiscences*, Vol. I, p. 384.

3. Hilliard, *Politics and Pen Pictures*, pp. 232-233.

4. *Weekly National Intelligencer*, February 2, 1850.

5. *Cong. Globe*, 31 Cong., 1 Sess., p. 319.

the fugitive slave law, and during the autumn of 1850 public meetings, held in all parts of the North, denounced it as unconstitutional, unchristian, and demanded its repeal.⁶ At Syracuse, New York, a public meeting adopted resolutions declaring that no peace should come until the "Higher Law" had the ascendancy in the councils of the nation.⁷ An Abolitionist convention in Pennsylvania declared "That the present Congress of the United States had stamped itself with indelible infamy by the passage of the Fugitive Slave Bill, and any man who aids in its execution is guilty of treachery to humanity, and treason against God."⁸

But the act met with more serious Northern opposition than was contained in resolutions adopted at public meetings and conventions. The city authorities of Boston, carrying out the purpose of the new fugitive slave law to the letter, arrested, February, 1851, an escaped negro named Shadrach. While confined in the court room, by reason of the Massachusetts law forbidding the use of the jails for the confinement of fugitive slaves, he was rescued by a negro mob, and made his escape to Canada.⁹ This proceeding caused Henry Clay to move a Senate resolution requesting the President to signify whether any additional legislation was necessary for a proper execution of the new law.¹⁰ President Fillmore issued a special proclamation, in which he deplored the whole proceeding, and advised a more wholesome respect for the enactments of Congress.¹¹ Nevertheless, in spite of all efforts to prevent, some of the most highly respected citizens of Boston did not hesitate in expressing their approval of the rescue, and a vigilance committee was formed to bring about a repetition of the proceedings should the occasion present itself. They did not have long to wait. In April a fugitive named Sims was arrested. A meeting of the vigilance committee was held in the office of Garrison's "Liberator," and plans of rescue were adopted. Another meeting, presided over by Horace Mann, the great educator, was held in Tremont Temple for the same purpose. The authorities, profiting by the

6. Smith, *Parties and Slavery*, p. 16.

7. Du Bose, *Life of Yancey*, p. 256.

8. *Republican Banner and Nashville Whig*, November 11, 1850.

9. Higginson, *Cheerful Yesterdays*, p. 135.

10. *Senate Journal*, 31 Cong. 2 Sess., p. 187.

11. Richardson, *Messages and Papers*, Vol. V, pp. 109-110.

Shadrach experience, guarded their prisoner so well that all plans for his rescue had to be abandoned,¹² but the general excitement, and the high standing of the participators in the attempted rescue, showed the difficulties in the way of enforcing the law. If doubts upon that score remained, similar proceedings in other sections of the North soon put them to rest, and at the same time showed the powerlessness of written law as compared with the power of public opinion, backed up by strong convictions.

The attitude of the Abolitionists Southern counterpart, the so-called "Fire Eater," was well set forth in the words of ex-Governor Troup, of Georgia, who declared: "All remedies short of force or conventional agreement, I reject."¹³ and the practical application of such views was soon attempted by Governor Quitman, of Mississippi.¹⁴ We have now presented for our consideration the unusual situation where extremists upon both sides of a national question were clamoring for the same solution—in this case, the dissolution of the Union. Occupying a position midway between them, the great mass of the people of the country were contented with conditions as they then were, and only asked to be left to the quiet enjoyment of abundant harvests, and general prosperity.¹⁵ To quote A. H. Stephens: "The truth is, an overwhelming majority of the people, North as well as South, were in favor of maintaining the principles affirmed by the measures of 1850."¹⁶

Naturally enough, the citizens in the larger trade centers of the country viewed the agitation of Abolitionists and Secessionists alike with alarm; they did not want to lose the advantages of a trade carried on with all parts of the country. This feeling was very pronounced among the business men of New York City, and it led to immediate steps being taken for the promotion of harmony and good feeling. A committee, composed of one hundred of the most respected citizens, was appointed, and named the Committee of Safety of New York. Its duty was to promote the cause of union and harmony, and the

12. Higginson, *Cheerful Yesterdays*, pp. 139-141.

13. Letter to John G. Slappey, Harden, *Life of Troup*, Appendix, p. 19.

14. Quitman's part in the movement is discussed in the next chapter.

15. Sargent, *Public Men and Events*, Vol. II, pp. 376-377; *Weekly National Intelligencer*, February 2, 1850.

16. Stephens, *The War Between the States*, Vol. II, p. 235.

enforcement of the laws, the compromise laws in particular. Their motto was, "The Union, the Constitution, and the Enforcement of the Laws."¹⁷

Union meetings were held in many cities and towns at the North, at which prominent men of both political parties took part, and resolutions endorsing and pledging support to the compromise measures were passed.¹⁸ One of these, held in the city of New York, October 30, 1850, voted the thanks of the community and of the nation "to those eminent patriots and statesmen, Clay, Cass, Webster, Fillmore, Dickinson, Foote, Houston, and others," resolved to sustain the fugitive slave law by all lawful means, and pledged those present not to vote for any man for office who favored further slavery agitation.¹⁹ After the adjournment of Congress, Northern members of both Houses, on their way homeward, were given a public reception by the citizens of New York, in recognition of their patriotic action in passing the compromise measures. General Cass addressed those assembled upon this occasion.²⁰ The feeling in Pennsylvania, outside of Abolitionist ranks, was expressed in the call issued for a meeting at York of "all citizens opposed to the movements of fanatics in the North, the South, or elsewhere, who are distracting the country, and seeking to divide our glorious Union."²¹ Even at Boston, that Abolitionist city that sheltered Garrison and his "Liberator," a compromise meeting was held,²² and beyond the Mississippi River, at Burlington, Iowa, a public gathering recognized "the right of our brethren of the slave States to have their fugitives delivered up."²³ At Chicago, a public meeting, addressed by Stephen A. Douglas, expressed a determination to support and sustain the fugitive slave law.²⁴ A large majority of the people at the North were unquestionably in favor of the compromise.

The National Intelligencer stated that when it became known that Congress was about to adopt the measures of settlement, it

17. Sargent, *Public Men and Events*, Vol. II, p. 386.

18. *Ibid.*, p. 378.

19. *New York Tribune*, October 31, 1850.

20. Smith, *Life and Times of Lewis Cass*, p. 710.

21. *Tri-Weekly National Intelligencer*, January 7, 1851.

22. Smith, *Parties and Slavery*, p. 16.

23. *Tri-Weekly National Intelligencer*, September 17, 1850.

24. Sheahan, *Life of Douglas*, p. 162.

could fill a double sheet of forty-eight columns with extracts full of joy and congratulation from the South and West alone.²⁵ Even when the Nashville convention was in session, compromise meetings, with memberships made up irrespective of party following, were held in the city of Nashville,²⁶ and in Smith County,²⁷ Tennessee, and resolutions in favor of such an adjustment were unanimously adopted. Congress had hardly finished its work when a Union meeting in Mississippi adopted a set of resolutions endorsing its action, approved the course of their Senator, Henry S. Foote, who had been prominent in supporting Clay's resolutions, and dissented from the recommendations of the Nashville convention.²⁸ Governor Quitman, of that same State, was, in the meantime, striving to keep alive the spirit of disunion. A meeting of two hundred citizens, addressed by him at Natchez, was prevented from adopting anti-compromise resolutions by the withdrawal of the loyal men, which left such a small attendance that action was deemed inexpedient. A meeting at Yazoo City voted down disloyal resolutions.²⁹ In Alabama, meetings at Montgomery, largely attended by Whigs from the slave counties in the vicinity, and in Marengo County, the most populous county in the State, ratified the compromise measures.³⁰ The Secessionists, doubtless thinking it useless in the face of the sentiment shown at the two meetings, made no attempt to induce the Governor to act in any way upon the subject, but under the lead of Yancey, Southern Rights associations were formed.³¹

What little contest there was in Alabama took place during the State election of 1851, and that was almost entirely confined to the election of Representatives to Congress.³² One of the phases which it took on deserves special notice, by reason of the fact that the question at issue was the policy of influencing the Southern people to oppose measures of the general Government touching Southern institutions. Congressman Henry W. Hilliard, whose previous course of action had marked him as a strong

25. Daily National Intelligencer, September 17, 1850.

26. Republican Banner and Nashville Whig, June 3, 1850.

27. Ibid, June 7, 1850.

28. September 23, 1850. Weekly National Intelligencer, October 10, 1850.

29. Weekly National Intelligencer, October 24, 1850.

30. Du Bose, Life of Yancey, p. 251.

31. Ibid, p. 250.

32. Ibid, p. 261.

Union man,³³ declined to run again for office, but he consented to make a few speeches in favor of the Whig candidate in the Montgomery district. The Democrats decided that some one representing their candidate should meet him at the places where it had been announced that he would speak, and Yancey was chosen. The actual candidates stood apart while this contest of oratory was going on. Hilliard is described as having a great advantage over Yancey in literary accomplishments, while Yancey excelled in knowledge of men, and was a better master of the passions.³⁴ It appears that opinion in Alabama was about equally divided as to which was the greater orator. The result of the canvass was the full vindication of Hilliard's Union views on the nature of the Federal Government, through the election of the Whig candidate.³⁵ During the State election there was no contest between the Secessionists and Unionists on the direct issue of accepting the compromise. A States Rights Democrat, S. W. Harris, was re-elected to Congress from the Third District, and Yancey received a complimentary vote of 414 for Governor.³⁶

The General Assembly of Kentucky passed a resolution, January 24, 1850, at the very beginning of the agitation over Clay's resolutions, that left few doubts as to what action could be expected from that State. The Governor was authorized, and requested, to have a suitable block of native marble sent to Washington for the monument being erected to the memory of President Washington, and that the following words should be engraved upon it: "Under the auspices of Heaven and the precepts of Washington, Kentucky will be the last to give up the Union";³⁷ and when we recall what action was taken by the State at the beginning of the Civil War, it is seen that the statement was not an idle one. The determining factor in regard to Kentucky's attitude, and we must not lose sight of it when seeking a reason for Henry Clay's activity in favor of compromise throughout his Congressional career, was clearly brought

33. Hilliard, *Politics and Pen Pictures*, pp. 207-210.

34. Smith, *Reminiscences of a Long Life*, pp. 222-223.

35. For details of the Hilliard-Yancey contest see Hilliard, *Politics and Pen Pictures*, pp. 250-254; Mellen, Henry W. Hilliard and William L. Yancey, in the *Sewanee Review* for January, 1909.

36. Du Bose, *Life of Yancey*, pp. 261-266.

37. Acts of the General Assembly, 1849-1850, Resolution No. 5

out in Governor Crittenden's message to the State Legislature, December, 1849, when he stated that "To Kentucky and the other Western States in the Valley of the Mississippi, the Union is indispensable to their commercial interests."³⁸

News of the passage of the compromise was well received in Texas,³⁹ and the formal acceptance of the boundary settlement by the Legislature of the State removed the most dangerous question of the whole controversy from the field of agitation.⁴⁰ No excitement of a dangerous nature was reported west of the Mississippi River. In Virginia, as in the other border States, the general feeling was favorable to the Congressional settlement, but the non-observance of the fugitive slave law at the North provoked the indignation of Governor Floyd, who recommended, in a message to the State Legislature, a system of taxation by license, so arranged that it would transfer the trade of the Commonwealth from those States that failed to observe the compromise to those that abided by it.⁴¹ South Carolina, as usual, leaned toward disunion, and called loudly for a Southern congress, where the preliminary steps towards that end could be taken,⁴² and Georgia and Mississippi experienced secession struggles, brought on by State Rights leaders; but their cases will receive special treatment in following chapters, and need not detain us here.

As was stated in the preceding chapter, the Nashville convention adjourned to meet again the sixth Monday after the adjournment of Congress, when it was confidently expected that definite knowledge as to Congressional action would leave the which favored its assembling the previous June had lost most way clear for the convention to take action in behalf of Southern rights. It met November 11, 1850, was in session seven days, and, like the first, proved abortive. From the reduced size of of what popularity it ever had, after the adoption of the compromise measures. Georgia and Florida were the only States that sent as many delegates as to the first session, but South Carolina only lacked one of its former representation. The

38. Coleman, *Life of Crittenden*, Vol. I, pp. 250-252.

39. *Daily National Intelligencer*, October 1, 1850.

40. November 25, 1850. See President Fillmore's special proclamation upon the subject. Richardson, *Messages and Papers*, Vol. V, p. 109.

41. William L. Garrison by His Children, Vol. III, p. 279.

42. *Tri-Weekly National Intelligencer*, January 7, 1851.

Alabama delegation had dwindled from twenty-two to five; the Mississippi delegation from twelve to eight; and Virginia sent a single delegate, in place of six, as upon the former occasion. Tennessee had fourteen present. Texas and Arkansas were unrepresented, thus leaving seven States taking part in the proceedings, instead of the former nine.⁴³ What was particularly evident throughout the proceedings, and what was perfectly natural under the circumstances, was that, whereas the first session had been made up largely of men holding moderate views, the second was composed almost entirely of radicals. Most of the Union men had refused to attend, and it is probable that many of that type who were in attendance were there solely for the purpose of influencing proceedings. This seems to have been the case with the Tennessee delegates at all events. Judge Sharkey, who had played such an influential part at the first session, was not present, but was engaged in delivering Union most of the State delegations, it is clear that the movement speeches at the time.⁴⁴

In the absence of Judge Sharkey, Governor McDonald, of Georgia, was chosen president,⁴⁵ and proceedings were begun with a Secessionist in the chair. Another feature that distinguished the second session from the earlier one was the prominent part played throughout by the men from South Carolina, who had evidently become convinced that they would have to recede from their former position of inaction if anything of a positive nature were to be accomplished. That they were determined to bring the convention to the adoption of the extreme policy advocated by their State, if possible, is clear from the position taken by Langdon Cheves, of their delegation, who, when South Carolina was called in the roll of States, presented a resolution "That secession by the joint action of the slaveholding States is the only efficient remedy for the aggravated wrongs which they now endure, and the enormous evils which threaten them in the future, from the usurped and now unrestricted power of the Federal Government."⁴⁶ He gave his views on Government

43. Republican Banner and Nashville Whig, November 19, 1850; Nashville Daily Gazette, November 19, 1850.

44. See an account of a speech delivered by him at Vicksburg, Republican Banner and Nashville Whig, November 14, 1850.

45. Ibid, November 12, 1850; Daily Nashville American, November 12, 1850.

46. Republican Banner and Nashville Whig, November 15, 1850.

action in relation to the Territories in a speech that occupied three hours in its delivery, during which time he made statements the following one of which is but a fair sample: "I have said they have made the appropriation of this territory an instrument to abolish the Constitution. There is no doubt they have abolished the Constitution. The carcass may remain, but the spirit has left it. It is now a fetid mass, creating disease and death. It stinks in our nostrils."⁴⁷ A majority of the members did not approve of such undisguised disunion sentiments, and one of the leading newspapers in the city refused to print the speech for the following reason: "It would occupy some ten or twelve columns in our paper—a space that we are not willing to appropriate to the promulgation of such sentiments."⁴⁸

The proceedings at the adjourned session, unlike those of the first meeting, were stormy in the extreme. Several of the delegations presented two or more sets of resolutions, expressing entirely different views, and showing a lack of unanimity even among the representatives of a single State. Those of Georgia and Mississippi were the most marked in this respect, and the measures recommended varied from immediate declarations of independence, in case the North continued anti-slavery agitation, to acquiescence in the compromise adjustment.⁴⁹ Both sets of the Tennessee resolutions, the majority series presented by General Pillow, and the minority by Judge Donaldson, recommended an acceptance of the compromise measures, but the former differed from the latter in that they made acquiescence conditioned upon the good faith of the North in fulfilling its part of the agreement.⁵⁰ All in all, while some of the proposed resolutions were very outspoken upon the subject of Southern rights, none compared in this respect with the single resolution presented by Langdon Cheves, of South Carolina. None of the others committed themselves beyond recommending a Southern Congress, or proposing the arming of the South in defense of its Constitutional rights.

The preamble and resolutions adopted upon the last day of the session were radical, although the first of the latter professed

47. Republican Banner and Nashville Whig, November 16, 1850.

48. Daily Nashville Union, November 21, 1850.

49. Republican Banner and Nashville Whig, November 15 and 18, 1850.

50. Ibid, November 14, 1850.

a cordial attachment to the Constitutional Union of the States, and declared that the purpose of the convention was to preserve the Union. The passage of the compromise measures, it was asserted, had fulfilled all of the evils anticipated by the South, and it was earnestly recommended to all parties in the slaveholding States that they refuse to go into any national convention, under any party denomination whatever, until their constitutional rights had been secured. This proposition came the nearest to recommending the Calhoun plan of Southern union of any of the measures proposed during the proceedings. Final action, as at the first session, was referred, this time to a "congress or convention" earnestly recommended to the slaveholding States, "to be held at such time and place as the States desiring to be represented may designate," and each State delegation to be composed of twice as many members as that State had Senators and Representatives in the Congress of the United States. The insufficient authority given the delegates had proved a serious drawback upon two occasions, so it was recommended that the representatives sent to the proposed congress or convention be "entrusted to deliberate and act with the view and intention of arresting further aggression, and, if possible, of restoring the constitutional rights of the South; and, if not, then to provide for their future safety and independence." The most definite thing about the whole proceedings was the statement of the right of secession in the preamble.

This preamble and the resolutions were adopted by States, six voting for, and one, Tennessee, voting against. Judge Donaldson, of the latter State, made an ineffectual effort to bring about a reconsideration of the vote, and the convention adjourned while he was upon the floor vainly trying to record his protest "against the unhallowed purposes of the convention"⁵¹—a fitting climax to the part played by a majority of the Tennessee delegates, who had opposed the proceedings throughout. The delegates went home, followed by cries of "Treason" from the press of the State, which had been inclined to favor the movement the preceding June;⁵² and no better evidence of the futility of their work is needed than the fact that the proposed congress never met.

51. Republican Banner and Nashville Whig, November 19, 1850.

52. Nashville Daily Gazette, November 20, 1850.

CHAPTER VI.

THE SECESSION MOVEMENTS IN GEORGIA AND IN MISSISSIPPI, 1850-1851.

In the preceding chapter, an attempt was made to show that the general feeling, North and South, was favorable to the compromise measures of 1850, and also to show that the attempt upon the part of Southern radicals to bring about the united opposition of the South to their acceptance, through the instrumentality of the second session of the Nashville convention, had ended in failure. Thereafter, the opposing movement took the form of single State action; first in Georgia, then in Mississippi, and finally in South Carolina. The present chapter deals with the two first named, South Carolina being reserved for later consideration, owing to the unusual aspect of affairs in that State.

Georgia was the field for the first struggle over the acceptance of the compromise measures. Immediately after the passage of those acts, it was extremely difficult to tell upon which side of the question a majority of the people of the State stood, either for submission or resistance to the adjustment, so evenly was sentiment divided.¹ But the highly threatening speeches of the Georgia Representatives at Washington, especially those delivered by Toombs and Stephens during the speakership contest of the thirty-first Congress, and the extremely critical months that followed, which had been made largely with the object of frightening Northern members into compliance with Southern demands, had brought about a misunderstanding upon the part of the people. They were not cognizant of the underlying motives of their Congressmen, and, interpreting the ultra speeches literally, were so wrought up in consequence that they were almost ready to declare for immediate secession.² Moreover,

1. Troup to John G. Slappey, Harden, *Life of Troup*, Appendix, p. 19.

2. L. J. Glynn wrote to Howell Cobb, September 21, 1850: "The fire-eaters have made high calculations upon the accession of Messrs. Toombs and Stephens to their cause. Since the 'Latter Day' revelations of those gentlemen, however, the stock has fallen. I confess I have not been able to comprehend the course of those gentlemen, unless it be that they intend to place themselves in such a position that they might, without incurring the charge of inconsistency, join either the 'house of York or Lancaster' as circumstances might make it prudent. Many of their own party in this country at least have not approved of the 'mysterious course' they have seen proper to pursue." Cobb Mss. Correspondence. See also Phillips, *Georgia and State Rights*, pp. 163-164.

mass meetings of citizens, held during the preceding summer months, had been well instructed in the subject of Southern rights by R. Barnwell Rhett, of South Carolina; McDonald, of Georgia, the presiding officer at the November session of the Nashville convention; and Yancey, of Alabama.³ During the earlier part of the year, while the state of affairs at Washington appeared most threatening to Southern interests, the State Legislature had adopted resolutions making it the duty of the Governor, should Congress pass acts admitting California or New Mexico, abolishing slavery in the District of Columbia, doing away with the slave trade between the States, or denying the right to recover fugitive slaves, to call a State convention within sixty days thereafter.⁴ Part of the acts having been passed, Governor Towne issued the call, as instructed.

Such was the state of affairs when Toombs, Stephens, and Cobb reached home, after the adjournment of Congress, and they immediately set to work in order to counteract the disunion movement,⁵ and to convince the people that the compromise was a victory for the South, and that their best policy was to accept it. Toombs was especially active. His first act was to issue an address to the people of Georgia, calling upon them to stand by the Constitution and the laws in good faith, until wrong was consummated, or the act of exclusion placed upon the statute books. He frankly stated that the South had not secured its full rights, but great and important principles had been established, and continued as follows: "The South has compromised no right, surrendered no principle, and lost not an inch of ground in this great contest. I did not hesitate to accept these acts, but gave them my ready support." With the spirit and purpose of the Governor's call for the election of delegates to a convention, he took prompt issue, and declared that the Legislature had endangered the honor of the State, and that the Governor had put the people in a defile. "We must either repudiate this policy, or arm," he wrote; and added that he preferred the former course for his part.⁶ The efforts of these three men were so successful that a majority of the delegates elected to the State convention were Union men. In the complex situation of the

3. Phillips, *Georgia and State Rights*, p. 164.

4. February 8, 1850, *Acts of Georgia, 1849-1850*, p. 122.

5. Stovall, *Life of Toombs*, p. 82.

6. *Ibid.*, p. 83.

parties and factions, it is next to impossible to determine the result with any degree of accuracy, but it was generally conceded at the time that the Unionist majority was 30,000, and that the Disunionists did not elect thirty out of two hundred and sixty delegates.⁷

The convention met at Milledgeville, December 10, 1850, and its membership was made up of the leading citizens of the State, including Stephens and Toombs. The result of the deliberations was the adoption of a long preamble and five resolutions, that were, for the most part, decidedly pacific in character. The preamble, in mild and temperate language, set forth that Georgia found matter for approval, and matter for disapproval, in the compromise adjustment, but that she would abide by the recent action of Congress in hopeful reliance that the people of the non-slaveholding States would yield faithful adherence to that entire action. All of the various measures of settlement were in strict conformity with their desires, except the one admitting California as a State of the Union. Upon the expediency of this measure, separately considered, the people of Georgia were, in some measure, divided in opinion; but respect for the other party to the controversy, who had so largely conformed to their views by passing the other measures of the adjustment, would cause even those who regarded it as inexpedient and unconstitutional to abide by it honorably and peaceably. "As for Georgia, her choice is fraternity and Union, with constitutional rights—her alternative, self-preservation by all the means which a favoring Providence may place at her disposal," and the people of the North were admonished to pay heed to the voice of one of the "Old Thirteen."⁸

The resolutions declared that Georgia held the American Union secondary in importance only to the rights and principles it was designed to perpetuate. If the original thirteen States to the compact found the Union impossible without compromise, the then thirty-one might yield somewhat in the conflict of opinion and policy. In this spirit, the State of Georgia had naturally considered the recent acts of Congress, it was declared. The fourth was the only resolution that contained anything that could in any way be regarded as a threat, or a menace. It stated

7. Whig Almanac, 1851, p. 64.

8. Journal of the Convention, pp. 11-19.

that, in the judgment of the convention, the State of Georgia would, and ought to, resist, even to a disruption of the Union, as a last resort, any future act of Congress abolishing slavery in the District of Columbia, without the consent and petition of the slave owners there; any act suppressing the slave trade between the States, any act abolishing slavery in places within the slaveholding States, any act refusing admittance to any Territory applying therefor, because of the existence of slavery therein, or any act repealing or modifying the laws then in force for the recovery of fugitive slaves. The last resolution stated that upon the faithful execution of the fugitive slave act, by the proper authorities, depended the preservation of the Union.⁹

The preamble was adopted by the decisive vote of 236 to 23;¹⁰ and its publication and wide circulation caused a reaction in public opinion throughout the South, and created the opinion were as nothing compared with the necessity for preserving the that all of the wrongs which that section had previously suffered Union. This change of opinion upon the part of the people was due to the efforts of nearly all of the Georgia Whigs in combination with a strong section of Democrats from the Northern counties of the State, who followed the lead of Howell Cobb.¹¹ It is thus seen that no one party can claim exclusive credit for the work of stemming the popular movement in opposition to the compromise settlement.

In spite of the fact that the proceedings of the convention met with the decided approval of an overwhelming majority of the delegates, many in attendance felt the need of a new political organization that would more firmly uphold the principles of the compromise measure. Accordingly, on the night of December 12, 1850, a meeting of the prominent members was held between the sessions.¹² The result was the organization of the Constitutional Union Party, which was largely the work of Toombs and Stephens. All friends of the Union were invited to join the new organization, and Howell Cobb, a Democrat, was selected to run as its candidate for Governor in 1851. The preamble and reso-

9. Journal of the Convention, pp. 19-20.

10. Ibid, p. 21.

11. Phillips, Georgia and State Rights, p. 165.

12. Stephens, The War Between the States, Vol. II, p. 176; Phillips, Georgia and State Rights, p. 166.

lutions served as its platform, which became famous as the Georgia Platform of 1850.¹³

In the State campaign the Union party was opposed by another called the Southern Rights Party, whose platform, based in the main upon the Virginia and Kentucky resolutions of 1793 and 1799, claimed that Southern rights had been entirely disregarded by the compromise settlement.¹⁴ It selected as its candidate for the Governorship, ex-Governor McDonald, a Democrat, whose part at Nashville we have already called attention to. In its following this party counted the major part of the Democrats of the State.¹⁵

The campaign was exciting. Toombs, Stephens, and Cobb, were very much in evidence, and as the contest became heated they redoubled their efforts.¹⁶ Toombs traveled from one end of the State to the other making speeches in favor of the candidacy of Cobb and the acceptance of the compromise. His previous ultra speeches in Congress laid him open to the charge of inconsistency, and more than once proved a stumbling block during the progress of the campaign. While speaking at Lexington, the county seat of Oglethorpe county, a supporter of McDonald, with whom he had divided debate, took for his text a particularly inflammatory speech that Toombs had delivered in the National House of Representatives during the excitement of the speaker-ship contest, and compared it with his present words in favor of compromise. Toombs in reply said: "If there is anything in my Hamilear speech that cannot be reconciled with the measures which I have supported here to-day with reasons which my opponent confesses by his silence he cannot answer, I repudiate it. If th gentleman takes up my abandoned errors, let him defend them."¹⁷ He thus broke out of a trap and at the same time turned tables upon his adversary in a manner that was characteristic of him.

As a result of the canvass Howell Cobb was elected Governor over McDonald by a majority of more than 18,000, and the Legislature elected was overwhelmingly Union. The Senate member

13. Phillips, *Georgia and State Rights*, p. 166.

14. Stovall, *Life of Toombs*, p. 87.

15. Phillips, *Georgia and State Rights*, p. 166.

16. Stovall, *Life of Toombs*, p. 92.

17. Reed, *The Brother's War*, pp. 214-216.

ship was composed of thirty-nine Union and eight Southern Rights men; and the House of one-hundred and four Union to twenty-nine of their opponents.¹⁸ Nearly all of the Georgia Whigs, and Howell Cobb's Democratic followers from the northern part of the State, had supported the Union ticket.¹⁹

The organization and later success of the Constitutional Union Party had far-reaching consequences. It erected a bulwark against the further spread of the disunion movement, not only in Georgia, but in the other States of the lower South.²⁰ By planting itself firmly upon the support of the compromise principles, the party won a decisive victory in the State campaign, which was a potent factor in awakening a sincere desire for peace and harmony throughout the section. Thereafter the Secessionists, defeated in their immediate aims, accepted the Georgia Platform as a declaration setting forth the limit of what they were willing to concede to the North.²¹

While opposition to measures that were regarded as infringements upon Southern rights was quite general in the South, hostile sentiment with regard to Congressional action in reference to the Territories was more pronounced in South Carolina and in Mississippi than in any of the other slaveholding States. Mississippi is classed with South Carolina owing to the fact that she was thoroughly indoctrinated with the principles of the South Carolina school of politicians.²² This process of indoctrination began soon after, and in consequence of, the address which Southern members of Congress, under the influence of Calhoun, had issued to the South in January, 1849,²³ and as we have already seen, its more immediate manifestation was the calling of the Nashville Convention. The spirit of opposition thus awakened was kept alive by ambitious leaders, and when the compromise measures were passed by Congress an influential portion of the inhabitants of Mississippi were in a proper frame of mind to resist them even to the extent of dissolving the Union.

The most influential man in Mississippi, barring Jefferson Davis, was Governor John A. Quitman, an avowed and active

18. Whig Almanac, 1852, p. 56.

19. Phillips, *Georgia and State Rights*, p. 166.

20. Stovall, *Life of Toombs*, p. 81.

21. Du Bose, *Life of Yancey*, p. 295.

22. Cong. Globe, 32 Cong., 1 Sess., Appendix, p. 282.

23. *Ibid.*, p. 169.

advocate of secession, to whom Southern radicals looked for leadership. His case, which was typical of several Southerners of the "Fire Eater" class, deserves brief mention here. He was a Northern man by birth, being a native of the State of New York. After arriving at manhood he had made his way to Mississippi where he became a successful lawyer. When the Mexican war broke out, he was given a command in the Mississippi forces, served with distinction in Mexico, and, by reason of the popularity thus gained, was elected Governor of the State in 1849.

His active efforts in behalf of Southern rights began with his inauguration. A few days prior to that event he received a letter, January 1, 1850, signed by the Senators and Representatives in Congress from Mississippi, including Senator Henry S. Foote, advising him that in their opinion California would be admitted to the Union, during that session of Congress, with a Constitution excluding slavery, and stating that they would be greatly pleased to have such expression from the Legislature, the Governor, and, if possible, the people, as would clearly indicate the course which Mississippi deemed it proper to pursue in the new emergency.²⁴ In his inaugural address, ten days later, Governor Quitman devoted considerable time to the sectional issue. Slavery was declared to be an institution tolerated by the Supreme Being, and essential to the welfare of the South. The Congressional action against its perpetuation was vigorously denounced, and he pledged himself to firmly execute the will of the people of Mississippi, as recently indicated,²⁵ to the extent of his constitutional powers.²⁶ It was on account of this pronounced and decisive stand in reference to Congressional action touching the institution of slavery that Southern radicals turned to him for leadership.²⁷

When Texas was about to take armed possession of the territory in dispute with New Mexico, he was looked to for aid and advice by the resistance party in that State. Should the President order the United States troops stationed in that quarter to resist their attempts to enforce jurisdiction, would he can-

24. Claiborne, *Life of Quitman*, Vol. II, p. 34.

25. Through the State Convention of October, 1849, the one that proposed the Nashville Convention.

26. Claiborne, *Life of Quitman*, Vol. II, pp. 21-24.

27. *Ibid.*, p. 21.

didly inform them how far Mississippi was prepared to redeem the pledge made by her members in the Nashville Convention? Would she stand by Texas in the contest?²⁸ His reply stated that if Texas stood firmly in defense of her rights he would not be found wanting in the discharge of his duty, but what he was waiting for was her response to the \$10,000,000 bribe, as he expressed it. Just as soon as he became satisfied that a collision of arms was probable he would convene the Legislature upon the shortest possible notice, in order to adopt efficient measures for aid, and he had no doubt that the other Southern States would do the same.²⁹ But the acceptance by Texas of the so-called \$10,000,000 bribe removed the possibility of his forcing the issue to a clash of arms with the National Government upon that question.

The enactment of the compromise measures produced great excitement in Mississippi, as had been the case in Georgia. Without in any way consulting the people or ascertaining their opinions as to the advisability or expediency of the move, Governor Quitman issued a proclamation calling a special session of the Legislature to meet November 18, 1850.³⁰ According to his own statement he had not fully digested a program of the measures he intended to recommend to the Legislature, but he proposed calling a State convention to consider Federal relations, and as he saw no remedy short of separation from the Northern States, his views of State action would look to secession.³¹

In his message to the Legislature he presented his views on the slavery question in a clear and pointed manner,³² and later on, in a special message, recommended a standing army for the defense of the State. The Legislature enacted legislation in conformity with his wishes. A bill was passed calling a convention of the people of the State to meet in November, 1851, for the purpose of taking into consideration the relations of Mississippi to the Federal Government.³³ The Governor's position was fully

28. Henderson to Quitman, July 22, 1850. Claiborne, *Life of Quitman*, Vol. 11, p. 41.

29. Quitman to Henderson, August 18, 1850. *Ibid.*, p. 42.

30. Cong. Globe, 32 Cong., 1 Sess., Appendix, p. 283; Claiborne, *Life of Quitman*, Vol. II, p. 43.

31. Quitman to Seabrook, September 29, 1850, Claiborne, *Life of Quitman*, Vol. II, p. 37.

32. *Ibid.*, pp. 46-51.

33. Cong. Globe, 32 Cong., 1 Sess., Appendix, p. 283.

endorsed, and resolutions censuring Senator Henry S. Foote for his support of the compromise measures, and declaring that the interests of Mississippi were unsafe in his hands, were adopted.³⁴ Foote's five colleagues in Congress from Mississippi had been actively opposed to the compromise and were much offended because of his support of the adjustment. The censure was the result of their influence.³⁵

As in Georgia, the struggle over the acceptance of the compromise measures in Mississippi had the effect of dividing the people of the State into two political parties. After the return of Foote's colleagues from Washington they joined with Governor Quitman in the organization of a new political party, called the State Rights Party of Mississippi. All who were opposed to the recent Congressional adjustment were invited to join this organization.³⁶ It received the support of a majority of the old line Democrats and of a few State Rights Whigs, and it continued under its original name from its formation, in November, 1850, until the Democratic State Convention, June 16, 1851, when it took the name of the Democratic State Rights Party.³⁷ Its purpose, as its name implies, was to promote the interests of State rights. The exceedingly bitter and disloyal speech delivered by Langdon Cheves, of South Carolina, at the November session of the Nashville Convention, printed and widely circulated within the State, became the text-book of the new party.³⁸

When Foote reached home, he took immediate steps to counteract the disunion movement and to vindicate his course in Congress. Governor Quitman was challenged to discuss the pending question in public. He accepted, but was taken ill upon the day set for the debate and could not meet his opponent. Foote, however, improved the opportunity to address the assembled crowds and announced his intention of personally touring the State and urging the people to meet in convention at Jackson upon the very day that the special session of the Legislature assembled there. He soon after went over the State, made about forty public

34. Foote, *Casket of Reminiscences*, p. 352; Garner, *The First Struggle Over Secession in Mississippi*, p. 95.

35. Foote, *Casket of Reminiscences*, p. 352.

36. *Ibid.*, pp. 352-353.

37. Garner, *The First Struggle Over Secession in Mississippi*, p. 99.

38. *Cong. Globe*, 32 Cong., 1 Sess., Appendix, p. 282.

speeches, and on the day that the Legislature met a convention of fifteen hundred delegates gathered at the City Hall.³⁹ Resolutions were adopted endorsing Foote's support of the compromise measures, advocating their support by the people of Mississippi, condemning the Governor's attitude in relation thereto, and denouncing the secession movement. But by far the most important result of the convention was the organization of the Union Party; the purpose of which was to bring about the acceptance of the compromise settlement of 1850. It counted among its supporters almost all of the Whigs, and conservative Democrats who sympathized with its principles.⁴⁰

The Unionists put forth strenuous efforts to decide the matter at issue between the two new parties in the State election of 1851. Foote was selected as their candidate for Governor, and no stronger man for the place could have been found under the circumstances. The necessity for making corresponding efforts was fully realized by the State Rights men, but by the spring of 1851 they began to despair of success. The crisis of "Union" and "Disunion" caused many of the more timid Democrats to hesitate in their zeal for secession, and the far-sighted men of their party clearly saw that in the prevailing state of public opinion it was impossible to carry a State Convention whose ultimate object was a dissolution of the Union. Moreover, it was felt that the peaceful attitude assumed by Georgia, Alabama, and Virginia, would fully justify Mississippi in refusing to take a step which those whose interests were identical with hers would not aid her in maintaining.⁴¹ None saw the trend of events more clearly than Governor Quitman. In a letter to Colonel Preston, of South Carolina, March 25, 1851, he wrote that Mississippi was not prepared for final action, and that South Carolina would have to take the lead in the secession movement and act fearlessly for herself. The population of his State, he said, being composed mainly of recent immigrants, was not homogenous, and no man, however popular he might be, could give direction to the masses.⁴² Although the subject more properly belongs to

39. Foote, *Casket of Reminiscences*, p. 353.

40. Garner, *The First Struggle Over Secession in Mississippi*, pp. 98-99.

41. A State Rights Man to Quitman, May 20, 1851, Claiborne, *Life of Quitman*, Vol. II, p. 121.

42. *Ibid*, p. 123.

the next chapter, we might call attention in passing to the evidence here presented that the South Carolina leaders were looking to Mississippi for the initial step towards secession.

Nevertheless, the State Rights men prepared to fight the matter to a finish. In June, 1851, they assembled in State convention at Jackson, adopted the name of Democratic State Rights Party, chose General Quitman as their standard bearer to oppose Foote for the Governorship, and called district conventions for the nomination of Congressional candidates.⁴³ One of the delegates informs us that by inquiry of all men met on his way to the convention, he found that three out of four voters were in favor of Jefferson Davis as the party candidate, that a majority of the delegates were of a like mind, and that the friends of Quitman only secured his nomination by getting a note from Davis, who was ill at the time, in which the latter positively refused the position.⁴⁴

The campaign of 1851 was very bitterly contested. Mississippi was in a state of great excitement, so much so that we are informed that the presence of ten men at any one point involved the possibility of serious trouble. Foote and Quitman conducted a joint-canvass which began at Jackson. Foote opened the contest by charging the Democrats with disunion aims, and he assailed Quitman and his followers in the most vehement and merciless manner.⁴⁵ In this contest of oratory, Quitman was no match for the more brilliant and versatile Foote, and after seven or eight appointments they came to blows at a place called Sedgenville, and the joint-canvass was given up. Foote kept to the original schedule, followed two days behind by Quitman, and at every place where he spoke he boasted that Quitman had been whipped and driven from the field of combat. As a result of these developments the Democrats become disheartened and conducted their campaign in a very feeble manner.⁴⁶

The election of delegates to the general State Convention, which had been called by a special session of the Legislature for the purpose of considering the relations of Mississippi to the

43. Cong. Globe, 32 Cong., 1 Sess., Appendix, p. 284.

44. Davis, *Recollections of Mississippi and of Mississippians*, pp. 315-316.

45. *Ibid.*, p. 317; Foote, *Casket of Reminiscences*, p. 354.

46. Foote, *Casket of Reminiscences*, pp. 354-355; Davis, *Recollections of Mississippi and of Mississippians*, p. 318.

Federal Government, was a death blow to the hopes of the secessionists. It had taken place in September preceding the election of State officers, and it resulted in a popular majority of 7,161 for the Unionists.⁴⁷ Foreseeing inevitable defeat, because a majority of the people of the State had thus declared themselves against his policy on the slavery question, Quitman resigned his candidacy.⁴⁸ The Executive Committee of the Democratic State Rights Party then brought Jefferson Davis forward to take his place and the campaign continued.⁴⁹ By running the popular Davis upon a regular Democratic platform, and renouncing all further agitation for a dissolution of the Union, the State Rights leaders hoped to check the movement against them and win the votes of the people.⁵⁰ In this they were partially successful, for the 7,161 majority at the September election was reduced to a majority of 1,009 in favor of Foote at the November State election.⁵¹ The Whigs, together with many Democrats, who believed that the issue involved disunion, gave their support to Foote.⁵² As in Georgia, the contest in Mississippi was not strictly along party lines.

The State Convention, for considering the relations of the State of Mississippi to the Federal Government, met at Jackson, November 10-17, 1851; but it was a foregone conclusion that the result of its deliberations would be pacific in character. Fifty-six counties were represented by ninety-three delegates, a great majority of whom were Union men.⁵³ The Democratic majority in the State when the canvass began was estimated at 8,000,⁵⁴ and the fact that the Unionists were able to overcome this advantage upon the part of their opponents and win with over 7,000 votes shows that the desire for peace and Union was stronger than party ties. The convention adopted resolutions declaring that the right of secession was unsanctioned by the

47. Whig Almanac, 1852, p. 57.

48. Quitman to the Democratic State Rights Party in Mississippi, Claiborne, *Life of Quitman*, Vol. II, p. 146.

49. Davis, *Rise and Fall of the Confederate Government*, Vol. I, p. 20.

50. Foote, *Casket of Reminiscences*, p. 355.

51. Whig Almanac, 1852, p. 57; Tribune Almanac, 1852, p. 44.

52. Davis, *Recollections of Mississippi and of Mississippians*, p. 321.

53. Garner, *The First Struggle Over Secession in Mississippi*, p. 102.

54. Davis, *Rise and Fall of the Confederate Government*, Vol. I, p. 20.

Constitution, and rebuking the Legislature for calling the convention without first submitting the question of its advisability to the people.⁵⁵

By means of this action the people of Mississippi checked the movement in favor of secession, and placed their State alongside of Georgia in support of the compromise measures. With the State Rights movement checked in the cotton States of the Gulf region, and in the absence of any pronounced disunion feeling in the States of the border, South Carolina was left to act alone.

55. For the history and proceedings of the Convention, see Claiborne, *Life of Quitman*, Vol. II, pp. 36-52, 133-143, 148-151; *Cong. Globe*, 32 Cong., 1 Sess., Appendix, pp. 282-359.

CHAPTER VII.

THE SECESSION MOVEMENT IN SOUTH CAROLINA, 1850-1852.

One of our prominent citizens writing of South Carolina in ante-bellum days, referred to that commonwealth as "a perpetual threatening volcano,"¹ and the phrase has a singular appropriateness when applied to the period extending from the twenties, especially, down to the outbreak of war. To carry our volcano figure still further in its application to the political situation in the State, it might be added that there were three violent eruptions during this time: the first over the protective tariff legislation, which culminated in the years 1832 and 1833; the second, over the acceptance of the compromise of 1850; and the third, and most violent of all, took place in 1860, and it resulted in the actual secession of the State.

Inquiry into the reasons for the political unrest in South Carolina discloses an economic situation that furnished the chief cause for discontent. The only industry that was extensively carried on in the State was the cultivation of cotton, and since the early twenties the planters there had been experiencing the ruinous effects of competition with the cheaper and more fertile lands to the south and westward. That this was the true state of affairs we gather from reading an address delivered by James H. Hammond before the South Carolina Institute at its first annual fair, November 20, 1849. For the past sixty years, he pointed out, their State had been a purely agricultural one, and labor had been chiefly devoted to the production of one market crop, cotton. The value of this staple had been gradually declining for many years, and for the past seven or eight it had not afforded a net income of four and one-half per cent on invested capital, and it was inevitable that profits would fall still lower.

"The consumption of cotton," he continued, "even at late average prices, cannot keep pace with our increasing capacity to age prices, cannot keep pace with our increasing capacity to produce it; and the article may therefore be said to have fairly

1. Sargent, *Public Men and Events*, Vol. II, p. 377.

passed that first stage of all new commercial staples, in which prices are regulated wholly by demand and supply, and to have reached that in which, like gold and silver, its value, occasionally and temporarily affected by demand and supply, will in the main be estimated by the cost of production. Now, on lands that enable the planters to produce an average crop of two thousand pounds of ginned cotton, for each full hand, or for every thousand dollars of capital permanently invested, he may realize seven per cent per annum, on his capital, at a net price of five cents per pound, or five and one-half to six cents in our Southern ports. There is an abundance of land in the South and Southwest, on which, unless the seasons change materially, or the worm becomes an annual visitor, all the cotton which the world will consume for many generations to come, may be grown at that rate. We have ample slave labor to cultivate it; and the result is inevitable, that the average of prices must soon settle permanently about this point."

What was to be done if these views were correct? he asked. But a small portion of the land they were then cultivating would produce two thousand pounds of ginned cotton to the hand; and it was thought that an average production would not yield twelve hundred pounds, and a great many planters did not grow one thousand pounds to the hand.

A thousand pounds at five cents net would only yield about two per cent on the capital invested, and twelve hundred, only three per cent. In his estimation the State would become utterly impoverished and degraded with such rates of income. Depopulation would rapidly take place. Their slaves would go first and that institution would be swept away. History assured them that wherever slavery, from which they had previously reaped such great benefits, ceased to be profitable, it had ceased to exist.

"The natural increase of all the slaves in the South, since the prohibition of the African Slave Trade, has been thirty per cent for every ten years. From 1810 to 1820, the increase in South Carolina was a fraction above that rate. From 1820 to 1830, it was a fraction below it. But from 1830 to 1840, the increase was less than seven per cent in ten years; and the census revealed the painful and ominous fact that the number of slaves

in South Carolina was eighty-three thousand less than it should have been. No war, pestilence, or famine had visited our land. . . . But the fact is, that notwithstanding the comparatively high average price of cotton from 1830 to 1840, these slaves had been carried off by their owners, at the rate of eight thousand three-hundred per annum, from a soil producing to the hand twelve hundred pounds of cotton, on the average, to one that yielded eighteen hundred pounds. And there is every reason to apprehend that the census of next year will show that the whole increase of the last decade, which must amount to one hundred thousand, has been swept off by the still swelling tide of emigration.”

As means of remedying their economic condition he hit the nail upon the head by recommending an improvement of the agricultural system, the fostering of commerce and manufacturing, and proposing that they manufacture their own cotton.² The idea of relieving the situation by the fostering of commerce was well taken hold of in the State. By connecting the cities of Charleston and Memphis by railroad, it was hoped that a large volume of western trade would be turned their way, and that Charleston would become a great commercial port in consequence. The agitation of this project was vigorously prosecuted, especially during the months of May and June, 1851.³

After he had seen all of the courts of Europe, Prince Murat in comparison pronounced the men of South Carolina the most aristocratic,⁴ and this aristocratic quality entered into matters of government, and furnishes another reason for the extremely sensitive attitude of the State in regard to national affairs. Before the war, presidential electors were chosen by the Legislature, instead of by the people as in other States. In the year 1850, a Southern man wrote as follows: “In South Carolina the great difficulty is that the people never have but one side of the question. If it could be in that State as in Georgia and other States, where the people are all informed by means of public discussions, the public mind would be very different in South Carolina

2. Hammond. An Address Delivered Before the South Carolina Institute, at Its First Annual Fair, on the 20th November, 1849. See also Turner, *Rise of the New West*, pp. 61-66, for other evidence regarding the economic situation in the State.

3. See Charleston Courier, May-June, 1851. A report of the committee in charge is given in the number for May 31, 1851.

4. Keyes, *Fifty Years' Observation of Men and Events*, p. 174.

from what it is now.''⁵ The Democratic movement in favor of anti-slavery threatened the aristocratic foundation of their society, and this, together with the economic depression there, made the times favorable for the agitation of secession as a remedy for the disadvantages which they felt themselves to be under in the Union.

If the passage of the compromise measures occasioned secession struggles in Georgia and in Mississippi, it is a foregone conclusion that they were not quietly accepted by South Carolina. They were not. Governor Seabrook, in pursuance of a well-defined policy upon the part of his State to look elsewhere for initial action, wrote to Governor Quitman of Mississippi, September 20, 1850, that the aggravating circumstances under which California would enter the Union demanded prompt and effective resistance upon the part of the slave-holding States. Was Mississippi prepared to assemble her Legislature, or to adopt some other scheme in order to second the noble effort of Georgia?⁶ As there were satisfactory reasons why South Carolina should proceed cautiously, he needed only to assure Governor Quitman that, just as soon as the Governors of two or more States assembled their Legislatures by proclamation, or gave some other evidence of an intention to act, he should consider it his duty, unless the nearness of the regular session prevented, to call together the representatives of the people with a view to their adoption of measures that would arrest the career of an interested and despotic majority.⁷

Governor Quitman, who in the meantime had called a special session of the Legislature of Mississippi, replied that he had not fully digested a program of the measures that he would recommend to the Legislature when it met, but he assured Governor Seabrook that his views of State action would look to secession.⁸ This reply gave the greatest satisfaction to the South Carolina Executive, who declared that Mississippi would be the Banner State "in the noble contest in which the South had been forced to engage." Should the "gallant commonwealth adopt the decisive

5. M. C. Fulton to Howell Cobb, November 6, 1850. Cobb Mss. Correspondence.

6. The Governor of Georgia had announced his intention of calling a special session of the Legislature.

7. Claiborne, *Life of Quitman*, Vol. II, p. 36.

8. September 29, 1850. *Ibid*, p. 38.

course suggested," South Carolina would stand by her side. Sentiment in his State had never been so united in favor of resistance, but the general desire was to exhaust the joint-action scheme before an independent step should be taken, and to be careful and not create the impression that South Carolina was anxious to take the lead in the movement. The belief was prevalent in his State, he explained, that the cause would receive a fatal blow should they attempt to lead it.

Then followed a thinly-veiled invitation for Mississippi to take the first step: "May I hope that Mississippi will begin the patriotic work, and allow the Palmetto banner the privilege of a place in her ranks?" and as thinly-veiled instructions followed the above hint: "The desire of our public men is that the Nashville Convention, the Georgia Convention, or the Legislature of Mississippi, should recommend the call of a Southern Congress, to be composed of delegates elected by State conventions, either, as the weaker measure, for the purpose of consultation, their decisions to be ratified by conventions of the States represented, or to be direct. The first course will produce delay, and may enable Congress and the politicians of the North to so shape their policy as to create the impression among the unreflecting and timid in the South, that every cause of danger to our institutions has been removed. A Southern Congress, with full authority on the part of the States represented, to secede from the Union forthwith, or to submit to the supreme authorities of the country propositions for a new bargain between the States, by which equality among the members of the Confederacy and the protection of Southern property shall, in the future, be put beyond the possibility of hazard—either of these measures (we prefer the former, because in the event of a conflict, we shall have a government actually in operation), emanating from the Nashville Convention, or any Southern State except South Carolina, for reasons already hinted, will go far to, if it does not entirely accomplish the great object it is desirable to effect."⁹

The plan above outlined was faithfully followed at the second session of the Nashville Convention. A resolution recommending a Congress of the Southern States, to be composed of

9. Seabrook to Quitman, October 23, 1850, Claiborne, *Life of Quitman*, Vol. II, pp. 37-38.

delegates entrusted with full power to deliberate and act, was recommended by the Committee on Resolutions and adopted by the convention;¹⁰ and a resolution in substantial accord with the one adopted was earlier reported to the committee, during the call of States, by J. J. Davenport of Mississippi.¹¹ While it cannot be confidently asserted that this action resulted from influences exerted by the South Carolina Governor, appearances, it must be admitted, are decidedly in favor of such a conclusion. At all events, Mississippi twice took action in accord with recommendations that came from public men of South Carolina.¹²

As Governor Seabrook's letters have shown, sentiment in South Carolina was decidedly in opposition to the compromise measures in general, and to the admission of California in particular. In no other State of the South were the Democrats, for the most part small farmers and tradesmen, as a whole committed to the doctrines of Calhoun. In South Carolina the Calhoun men controlled political affairs so completely that party divisions, as ordinarily understood, hardly existed.¹³ The majority opinion found clear and forceful expression in a pamphlet written by W. H. Trescott, the historian, at the suggestion of prominent men in the State, and intended to strengthen Southern resolutuion.

This short article of twenty pages begins by laying down the principle that political institutions are never destroyed by influences foreign to themselves, and substantiating it by examples drawn from European history. The warning, it was claimed, assumed a special sifinificance "at times like the present, when the marked characteristic of political life is the violent and uncompromising antagonism of great interests." Everywhere in the civilized world great and contending interests struggled for power as a monopoly, not as a trust, and the truth was illustrating itself with destructive energy. The United States had reached this point in its history, and the legislation or the present Congress had worked a revolution by basing its action upon a principle recognized by only a portion of the people. By thus becoming the exponent of one class, it became the enemy of

10. Republican Banner and Nashville Whig, November 19, 1850.

11. Ibid, November 15, 1850.

12. The first time was when Mississippi called the Nashville Convention, at the suggestion of Calhoun.

13. Brown, *The Lower South*, p. 123.

the other, and forced upon half of the citizens the bitter alternative of becoming subjects or rebels. The California bill had been passed and the institution of slavery had been outlawed. What course of action were they of the South to follow as a slaveholding people?

The vindication of slavery was declared to be no part of his purpose. Providence had placed them in the midst of it, and it had solved for them the most dangerous of social questions—the relation of labor and capital. Where Gad had placed them, there they were resolved to remain “between the graves of our fathers and the homes of our children.” The only questions open for discussion were what dangers were there to meet and what were their means for meeting them? As historical truths affording answers to these questions, he submitted the following propositions:

“1. That all legitimate government is but the development of some principles that underlie the social institutions of a nation, and that therefore the test of national health is a perfect sympathy between national government and the popular institutions.

“2. That the institutions of the slaveholding States are peculiar in their nature, differing in most essential features of political character from the political system of the rest of the country.

“3. That this difference has excited a sectional jealousy, which, in the political history of the country has deepened into sectional hostility, and that by recent legislation, the Federal Government has declared itself the ally of the North and Northwest against the institutions of the South.

“4. That in such a political crisis the only safety of the South is the establishment of a political center within itself; in simpler words, the formation of an independent nation.”

The above states the problem and its solution as it appeared to Mr. Trescott, and he discarded the Calhoun plan of adjustment. Of the latter he wrote as follows: “It is a readjustment of the constitutional compact, so as to recognize the independence of each section as to its domestic policy. The formation of a Union somewhat analogous to the German Federation by which a Zollverein should regulate our industrial policy and a Diet

control our foreign relations. That this can be obtained from the North without force, we do not believe.”¹⁴ Although Calhoun’s name is not mentioned in connection with the foregoing reference, that he is the one referred to seems certain. The rest of the pamphlet is devoted to an elaboration and explanation of the propositions submitted, and, taken all in all, it is a candid and succinct statement of the Southern situation as it appeared to South Carolina radicals. The author simply gave written expression to the thoughts uppermost in the minds of many of his fellow citizens as the sequel establishes.

The Legislature, which assembled in December, 1850, took decided action looking towards the formation of a Southern Confederacy. Governor Seabrook, true to the declarations previously made to Governor Quitman, submitted a message in which he asserted the right of secession, and declared that the time had arrived for the exercise of powers of self-protection.¹⁵ Measures were taken for the exercise of such powers. The Legislature, on December 20, passed an act providing for the appointment of eighteen deputies to a Southern Congress, four to be chosen by the Legislature and two by the qualified voters in each Congressional district. This, it will be remembered, was in strict accord with the recommendations of the second session of the Nashville Convention. The same act made provision for the election of delegates to a State convention; the people in each district in the commonwealth were to select as many delegates as they sent members to the Legislature. The second Monday in October, 1851, was the designated time for the election of deputies to a Southern Congress; the delegates to the convention were to be chosen on the second Monday in February, 1851, and the day following. The State Convention was to be held in the city of Columbia, but the Legislature set no definite time for its assembling, and left it for the Governor to call whenever, at any time before the meeting of the next Legislature, the conjuncture of a Southern Congress should have happened. In case the Governor did not call it before the assembling of the next Legislature, that body could, by a majority vote, fix the time of meeting. The purpose of the convention, as set forth in the act, was to con-

14. Trescott, *The Position and Course of the South*.

15. *Senate Journal*, 1850, pp. 25-30.

sider the proceedings and recommendations of a Congress of the slaveholding States, if the same should be held, and to take into consideration the general welfare of the State.

Furthermore, the Governor was requested to transmit a copy of the act to each of the Governors in the other States of the South, and to urge upon them the desire of the State of South Carolina that they forthwith provide for the election of deputies by their States to meet the South Carolina deputation at the city of Montgomery, Alabama, on the second Monday of January, 1852.¹⁶ South Carolina, doubtless profiting by the experience of 1832-1833, clearly intended to exhaust every effort to assure the coöperation of other Southern States before making her final move.

Another act, passed at the same session, provided for the defense of the State. A Board of Ordinance was established, consisting of an Adjutant, Inspector General, and five other persons, whose duty it was to examine the condition of all ordnance and military stores, and to purchase supplies. This same board was authorized to appoint scientific and competent military engineers, who were to examine and provide works for the defense of the coast of the State. Brigade encampments were to be held yearly, instead of every two years as formerly, and fines were to be imposed in cases of non-attendance.¹⁷ An act granting a charter to the South Carolina Atlantic Steam Navigation Company contained the stipulation that the ships of the company should be so constructed that they could easily be converted into war vessels, and turned over to the State in case of war.¹⁸

On the 16th of December, Seabrook ceased to be Governor and was succeeded by John H. Means, a worthy secessionist successor. On the day after his term of office ended, Seabrook wrote a letter to Governor Quitman which is instructive by reason of its portrayal of the South Carolina situation during the legislative session of 1850. In the Legislature, it was stated, there was only one man who favored ultimate submission, and even he advocated the policy of a Southern Congress.¹⁹ On some points

16. Acts of South Carolina, December, 1850, pp. 55-57.

17. Ibid, pp. 57-59.

18. Ibid, pp. 29-34.

19. This was B. F. Perry of Greenville County. See his Union speech, delivered in the Legislature, December 11, 1850. Perry, *Biographical Sketches*, pp. 111-113.

there was a difference of opinion among the members of the Legislature; some favoring the calling of a Southern Congress without looking to another State to take the lead, and others preferring that Mississippi take the initial step. This, it will be noticed, was prior to the adoption of the act providing for the election of deputies to a Southern Congress, and for the election of delegates to a State Convention. Had he convened the Legislature two or three weeks before the regular meeting, he felt sure that South Carolina would not then have been a member of the Union, such was the state of the public mind at the time. As for the people, they were far ahead of their leaders and could be restrained with difficulty. The belief that Mississippi and other States would act had had a salutary effect in checking the impetuous and unreflecting, as had also speeches by influential men in the Legislature.²⁰

There was great excitement among the people of the State immediately after the adjournment of the Legislature. Secession was the one absorbing subject for conversation everywhere. Candidates for the office of deputy to a Southern Congress were announced, and mass meetings were held in the different Congressional districts. The issue gave rise to parties: those who favored immediate and separate State action were called Secessionists, and those who favored acting in conjunction with other Southern States were called Coöperationists. There was also a small and comparatively uninfluential Union Party, made up of men who had formerly been Federalists and Whigs.²¹ Later on in the campaign the latter joined with the Coöperationists and helped to prevent the secession of the State in the year 1852.

Of the Secessionists, Robert Barnwell Rhett was the most outspoken,²² but it appears that he lacked the characteristics of a great leader of men. He and his followers sought to win over the people to their cause by teaching the doctrine that if South Carolina chose to leave the Union, the North would allow her to do so quietly.²³ Their efforts were ably seconded by Governor

20. Claiborne, *Life of Quitman*, Vol. II, pp. 39-40. The debates of the Legislature during this session are given in the *American Annual Cyclopaedia* for 1861.

21. Capers, *Life and Times of Memminger*, pp. 200-203. For an account of the South Carolina Federalists see article by Dr. U. B. Phillips, in the *American Historical Review*, Vol. XIV, Nos. 3 and 4.

22. Perry's *Reminiscences*, pp. 133-163.

23. Trent, William Gilmore Simms, p. 183.

Means, who spent a great deal of time reviewing the militia all over the State, and making speeches in which he asserted the constitutionality of separate State action.²⁴ William Gilmore Sims, the noted Southern writer, vigorously advocated secession through the columns of the *Southern Quarterly Review*, of which he became editor in 1849.²⁵ His was probably the best known name connected with the movement. Two other men who were conspicuous were Daniel Elliott and Joseph Huger; both voted the Secessionist ticket in 1851.²⁶

Since the issue presented to the voters was separate or coöperative State action, the distinction between the Coöperationists and Unionists became confused as the latter uniformly voted the coöperative ticket. Of those who were out and out in favor of Union, none were more prominent than B. F. Perry. His speech, during the legislative session of 1850, was the first check that the secession movement in South Carolina had received up to that time; he declared his intention of having it printed and handed down as a legacy to his country and his children. After every newspaper in the State had gone over to secession, he established a Union paper in Greenville county, the Unionist center of the State, and took charge of the editorial department himself.²⁷ James Louis Petigru played a prominent part in preventing the secession of South Carolina in opposition to the compromise settlement of 1850. He was pronounced in his attachment to the Union.²⁸ Several of the former Nullifiers, notably James Hamilton, Jr., and Andrew P. Butler, were opposed to secession in 1850-1851; Butler even took the stump in favor of coöperation.²⁹ Strangest of all, Langdon Cheves acted with the Coöperative Party, but not on account of love for the Union. He was merely opposed to separate State action, desiring a Southern convention in order to unite the South in favor of secession. Nevertheless, he proved an influential ally for those who were in favor of Union in 1851.³⁰

24. Perry's *Reminiscences*, p. 160.

25. Trent, William Gilmore Simms, Ch. VI.

26. Perry's *Reminiscences*, p. 96.

27. Perry, *Biographical Sketches*, pp. 4-5; Perry's *Reminiscences*, pp. 13-14. The paper was called *The Southern Patriot*.

28. Perry's *Reminiscences*, p. 257; Grayson, Petigru, pp. 108-133.

29. *Ibid.*, pp. 115-116.

30. *Ibid.*, p. 244.

Any account of the struggle to check the secession movement in South Carolina would be incomplete if it made no mention of the part played by Bishop William Capers, of the Methodist Church. On the 7th of February, 1851, while the contest was fiercely raging, he published an address to the citizens of South Carolina, in the Charleston Mercury. He had previously met the clergymen of Charleston, at the suggestion of influential citizens, in order to consider what they could do to promote peace, but the meeting had been without results. Then he determined to act alone in the matter. To secede at once, or at a future time, alone, he told them, would be secession from the other Southern States as well as from the North; it would be equivalent to branding the rest of the South as deficient in knowledge, courage, or patriotism. From observations made during a tour of five of the principal Southern States, he felt sure that a Southern Congress was an impossibility; three-fourths of the people would oppose it. The reason for their opposition he understood to be the idea that the acts of compromise were not violations of the Constitution. It was the opinion in South Carolina that the acts referred to were violations of the Constitution, so the question was at most a mooted one, they holding one view while a majority in the other Southern States entertained an opposite one. They should review the matter, since the majority view was against them, and consider well before taking final action.

Consequences, he pointed out, should also be considered. Even if no hostile army were landed on their soil, the United States would oppose them. Charleston would be separated from the rest of the world, her commerce would perish, her merchants would be ruined, and their rice and cotton would be carried to Savannah for market. Even then, at the time he was writing, the rivalry of Savannah was not to be condemned. The blight would fall, not alone on Charleston, but on all the State; taxes would be increased seven-fold, and poverty-stricken people would leave their homes and seek more favored parts if they should be too proud to ask admission to the Union. Could patriotism demand such a sacrifice? he asked. If they must have a conven-

vention, let it be composed of the wise and sober-minded, not of boys and half-made men.³¹

Evidently, Bishop Capers' point that in case South Carolina seceded alone her trade and commerce would pass to Georgia, touched a sensitive spot in the public mind—particularly the business mind. This probable outcome of separate State action had earlier been foreseen by the prominent secessionist, William Gilmore Simms, who wrote to Beverly Tucker of Virginia, November 27, 1850, after the Georgia election when Howell Cobb had been triumphantly chosen Governor on the Union ticket, and called attention to practically the same economic objections that Bishop Capers called attention to in his address. This appeal to Georgia cupidity, Simms stated, "filled as that State is with Yankee traders, would be fatal to her patriotism. It would be irresistible in keeping her in her position." Georgia must be goaded to extremities. Could she be induced to move with South Carolina in favor of secession, the effect would be conclusive upon the South, and once the cotton ports were closed to British commerce by reason of war, the aid of that country would be given their cause.³² This confidence in the bond of sympathy with England, caused by the commodity cotton, is thus seen to be one of the supports upon which disunionists relied.

The election of delegates to the State Convention resulted in a decisive victory for the opponents of single State action, 114 Coöperationists to 54 Secessionists being chosen. The bulk of the former were returned from the northern and back counties, the southeastern section of the State going almost entirely in favor of secession.³³ In spite of all of the former noise and speech-making the people took very little interest in the election, the delegates being chosen by very small minorities of the voters in nearly every county in the State.³⁴ We are inclined to the view of an Alabama newspaper, which stated, in reference to the election, that even in South Carolina secession was not much above par, and that the great mass of people were opposed to it.³⁵

31. Capers, *Life and Times of Memminger*, pp. 222-224, reprinted from *The Charleston Mercury* of February 7, 1851.

32. Trent, William Gilmore Simms, pp. 180-181.

33. *Tribune Almanac*, 1852, p. 43.

34. Capers, *Life and Times of Memminger*, p. 205.

35. *Macon Republican*, February 27, 1851.

The suggestion that a Southern Congress be held in the city of Montgomery, Alabama, did not meet with favor in the other Southern States and the radicals of South Carolina received no encouragement that some other commonwealth could be induced to take the leading step in the movement for secession. Even Mississippi, in whose direction they had looked with such high hopes, failed them. Governor Quitman wrote that while sentiment there was undoubtedly hostile to the compromise measure, there was no evidence that this feeling had settled into any definite plan of action. The people could not be won over, consequently, South Carolina would have to look elsewhere for leadership. He himself was strongly in favor of the South Carolina program, and would do what he could to further its working, but in the prevailing state of popular opinion in the South at large, he did not believe that a Southern Congress could command the unanimous support necessary for its successful outcome.³⁶

In Alabama a vigorous attempt was made by the Secessionists, under the leadership of Yancey, to whip that State into line with South Carolina, but it was unsuccessful. A Southern Rights Convention assembled at Montgomery, February 10, 1851, and passed resolutions approving the scheme for a Southern Congress, requesting that the Governor convene the Legislature for the purpose of electing delegates to the same, and recommending that the districts of the State elect delegates should the Governor fail to call an extra session of the Legislature.³⁷ Early the next month the State Rights clubs gathered at the same city and undertook to organize a party to prepare for the immediate secession of the State, but their number was too few to carry weight. Only eleven out of the fifty-four counties were represented, and Dallas, Lowndes, and Montgomery, all within easy ride of the city, were the only ones that sent full delegations. The more populous parts of the State, particularly the north and west, were unrepresented, and it was asserted that the whole project was condemned by three-fourths of the people.³⁸

36. Quitman to Preston, March 29, 1851, Claiborne, *Life of Quitman*, Vol. II, p. 123.

37. *Macon Republican*, February 20, 1851.

38. *Ibid.*, March 6, 1851.

Virginia's response to the South Carolina recommendation of a Southern Congress was thoroughly in keeping with the role of pacifier and mediator assumed at the time of the nullification episode, and it went a long way toward calming the excited state of public feeling in South Carolina, and produced a reaction of thought there.³⁹ While at one time Virginia herself had been sufficiently wrought up over the action of Congress to look for relief from Northern aggressions in a Congress of the Southern States,⁴⁰ the passage of the compromise settlement had worked a change of sentiment that placed her on the side of Union. On March 29, 1851, her Legislature took formal action on the South Carolina invitation to send deputies to Montgomery, by adopting a set of resolutions condemning the whole project as likely to destroy the Union, and earnestly and affectionately appealing "to her sister State of South Carolina to desist from any mediated secession upon her part."⁴¹

It was clear that South Carolina would have to secede and face the consequences alone if she chose to adopt that course, but this fact did not deter the more pronounced Secessionists. The Southern Rights associations held a convention at Charleston, May 5, 1851, and adopted resolutions affirming the right of secession, and declaring that South Carolina should secede with or without the co-operation of the other Southern States. This meeting formed itself into the Central Southern Rights Association of South Carolina, and issued an address to the Southern Rights associations in the other Southern States. This address, in setting forth their position, stated that they did not wish to incur the censure of friends by their conduct, and, consequently, would unite with them in any measure for effectually vindicating their common rights and safety which they might propose; but the self-abasement of submission appeared unworthy of men pretending to be free, and, if left alone, they felt that they must vindicate their liberty by secession.⁴²

Governor Means soon afterwards informed Governor Quitman of Mississippi that this convention was a fair exponent of

39. See Memminger's Address to the Legislature of Virginia, January 19, 1860; Capers, *Life and Times of Memminger*, p. 253.

40. *Acts of Virginia, 1848-1849*, pp. 257-258.

41. *Ibid.*, 1850-1851, p. 201.

42. *Journal of the Convention*, pp. 1-17.

the opinions held in his State, and that there was not the slightest doubt that when the Legislature met it would call the convention,⁴³ and when the convention met the State would secede. There was a small party opposed to separate State action but he felt sure that it would go with the majority at the critical moment. The submissionists were so few in number that they were unworthy of notice. The leaders were still anxious for coöperation, and also anxious for some other State to take the lead, but recent events had convinced them that South Carolina was the only State in which there was sufficient unanimity to commence the movement, consequently, they would act even if they had to stand alone.⁴⁴ Later developments will convince us that Governor Means had not correctly gauged public opinion in his State.

Since the delegates to the State Convention had already been elected, attention was concentrated upon the election of deputies to a Southern Congress, which was to take place upon the second Monday in October, 1851. The whole State was stirred. Anti-secession sentiment reigned in Greenville county, where the people held a monster mass meeting at the court house and adopted Union resolutions.⁴⁵ All but three out of a total of thirty State newspapers, it was stated, were in favor of secession. The commander at Fort Moultrie, in Charleston harbor, refused to let the Moultrie guards celebrate their anniversary at the usual place, the battery of the fort, because he could not permit disunion language like that expressed by the orator at the last occasion of the kind.⁴⁶

Judge Memminger was active in the interests of coöperation during the spring and summer of 1851, addressing conservative meetings at Greenville, Pendleton and Charleston. In his Charleston speech he brought forward practically the same objections to single State action that were urged by Bishop Capers during the preceding month of February. Each of the other Southern States, ran his argument, had evinced its determination not to leave the Union, and, in case of war, would be bound

43. This was the convention provided for by the Legislature in 1850.

44. Means to Quitman, May 12, 1851, Claiborne, *Life of Quitman*, Vol. II, p. 133.

45. *Charleston Courier*, July 12, 1851.

46. Seabrook to Quitman, July 15, 1851, Claiborne, *Life of Quitman*, Vol. II, p. 141.

to support that Union. Instead of merely losing California, by seceding, South Carolina would abandon the whole property of the Union to the States that remained. All of their trade would go to Savannah, since South Carolina contributed but a small proportion to the import trade of Charleston.⁴⁷ The above gives, in substance, the gist of his argument.

A series of articles, signed "Cincinnatus," discussed in the Charleston Courier, the question: "Is Secession a Practical Remedy for the Evils Under Which We Live?" and concluded that such action would increase rather than diminish them. Savannah, and the shrewd people of Georgia, it was pointed out, were wide awake to take advantage of any hasty move upon their part, and the whole trade of the West would go to the Georgia city. South Carolina could sustain no commerce as an independent State. Their cotton planters would withdraw where they could meet competitors upon common ground, taxes would be raised, etc.,⁴⁸—and in fact, the arguments are so strikingly similar to those put forward by Bishop Capers that we could almost assert one and the same person wrote them both. From the frequency with which it was used, we conclude that the appeal to the commercial sense of the people, was the chief argument of the Coöperationists.

The elections for the selection of deputies to attend a Southern Congress were carried by the Coöperationists all over the State. Before they took place the Secessionists were very outspoken and sure of success, while the Union men, feeling some delicacy about openly declaring their sentiments, had remained silent for the most part. This had made it extremely difficult to gauge public opinion,⁴⁹ and it accounts for the over-confidence expressed by Governor Means and others. The victory was really a triumph for the Unionists, since secession depended upon the joint action of the other States of the South, and such coöperation was impossible.

But the radicals did not give up the fight even though the election had gone against them. At the next session of the Legislature, which was under their control, they passed an act,

47. Capers, *Life and Times of Memmenger*, pp. 204-222.

48. Charleston Courier, May 13-June 2, 1851.

49. Perry's *Reminiscences*, p. 161.

December 16, 1851, calling the convention to meet in April, 1852.⁵⁰ The delegates assembled at Columbia upon the 26th of that month. One hundred and fifty-eight were in attendance; among them were Governor Means, ex-Governor Seabrook, Maxey Gregg, Langdon Cheves, and B. F. Perry. After the demonstration of popular opinion at the fall election, it seems that the Secessionists might have foreseen the uselessness of assembling the convention, but it appears that they had hopes of accomplishing something in spite of all signs to the contrary. In this they were disappointed, for the delegates were, for the most part, men holding coöperationist views. As it was, the action taken was radical enough, but, under the circumstances, it amounted to submission. An ordinance and a resolution were adopted by a vote of 136 to 19. The former affirmed the right of secession, and the latter declared that South Carolina forebore the exercise of this manifest right of self-government from considerations of expediency only. Minority reports were submitted by B. F. Perry for the Unionists, and by Maxey Gregg for the Secessionists, who were dissatisfied because the majority action was not pronounced enough to suit their respective views on the question.⁵¹

The collapse of the secession movement in South Carolina marked the end of serious opposition to the compromise measures of 1850. In all of the States where trouble was likely to occur, the people had come to the rescue of the Union, and had rendered the secession movement a failure.

50. Acts of South Carolina, December 1851, p. 100.

51. Journal of the Convention.

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